

Missing  
No. 20. 28. 32.

# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
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No. 20. 28. 32.

सं० 1]

नई दिल्ली, शनिवार, जनवरी 2, 1982/पौष 12, 1903

No. 1]

NEW DELHI, SATURDAY, JANUARY 2, 1982/PAUSA 12, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

सर्व मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं  
Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

भारत निर्वाचन आयोग

नई दिल्ली, 16 सितम्बर, 1981

—सोम प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसूचन में निर्वाचन आयोग, 1980 की निर्वाचन प्रती सं० 2  
को उच्च न्यायालय, गौहाटी के तारीख 25 अगस्त, 1980 तथा 3 अप्रैल, 1981 का आदेश प्रकाशित करता है।

[सं० 82/अवकाश-सं०/2/80]

आदेश से,

सी०एल रोजी, अवर सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 16th September, 1981

1.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the judgement dated 1980 and 3-4-1981 of the Gauhati High Court, Gauhati Election Petition No. 2 of 1980.

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)

Election Petition No. 2 of 1980

Shri Bakin Pertin

...Petitioner.

Versus

Shri Sobeny Tayang and 2 others

...Respondents.

PRESENT:

The Hon'ble Mr. Justice B. L. Hansaria.

For the Petitioner—Mr. B. K. Das, Mr. B. C. Das,  
Mr. P. K. Musahary, Advocates.

For the Respondents—Dr. J. C. Medhi, Mr. B. M. Goswami, Mr. K. Sarma, Mr. C. K. Sarma Barua, Advocates.

fr 1084 GI/81—1

Dates of Preliminary Hearing :—31-7-80 and 1-8-80.

Date of Order :—25-8-80.

ORDER

In pursuance to the order passed on 3-7-80, learned counsel of both the sides have been heard on issues Nos. 1 and 2 as finally settled. These two issues read as below :—

"1. Whether the petitioner has contravened section 81(3) of the Representation of the People Act, 1951, by not legally attesting pages 35, 36 and 37 of the copy served on respondents No. 1 and 3? If so, is the election petition liable to be dismissed on this ground?"

2. Are the verification and affidavit to the election petition not legal and proper? If so, is the petition liable to be dismissed on this ground?"

2. Respondents 1 and 3 were examined on 28-7-80 who stated on oath about the condition of the copy of the election petition as received by them. From their evidence it appears that in the copies served on both the respondents, pages 35 to 37 do not bear any signature of the petitioners or any endorsement that these are true copies. This factual position has not been disputed by Shri Das. Question is whether this has violated section 81(3) of the Representation of the People Act, 1951 (for short, the Act), so much so that the petition merits dismissal under section 86(1) of the Act.

## 3. Section 81(3) of the Act states :

"81. Presentation of petitions.—(1).....,

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition."

4. There is a mandate in section 86 of the Act that an election petition not complying with the provisions of section 81 shall be dismissed by the High Court. It has, therefore, to be seen whether the aforesaid provisions of section 81 has been complied with or not.

5. Dr. Medhi, appearing for respondent No. 1, submits that the above infirmity in the copy of the election petition has violated section 81 (3) in two regards. First, the copy cannot be said to be a "true copy" of the petition inasmuch as though in the original as filed in the court pages 35 and 36 bear the signatures of the petitioner, the copies do not; and secondly, because of the omission of any authentication in these pages, it cannot be said that these have been attested.

6. A reading of section 81 (3) shows that every copy has to be attested by the petitioner under his own signature to be true copy of the petition. It has, therefore, first to be seen as to what is meant by "true copy". This matter had come up for examination by the Supreme Court in *Murarka Radheshyam v. Rup Singh*, AIR 1964 SC 1545. It was held that the word "Copy" does not mean an absolutely exact copy, but means that the copy shall be so true that no body can by any possibility misunderstand it. The test in this regard was stated in para 11 to be whether "any variation from the original is calculated to mislead an ordinary person."

7. The matter had also been considered in *Jagat Kishore V. Rajindra Kumar*, AIR 1971 SC 342. The decision in *Murarka's* case (supra) was approved and it was pointed out that if the discrepancies mislead the respondents or cause prejudice to their defence, the same would be hit by section 81 (3) of the Act.

8. My attention is also invited by *Shri Das to Sharif-ud-din V. Abdul Gani*, 1980-1 SCC 403, wherein after discussing earlier cases, the Supreme Court held that the requirement of section 81 (3) that attestation of the copy shall be by the petitioner under his own signature is mandatory, and the attestation by the advocate of the petitioner was not regarded as due compliance of the requirements of law.

9. In reply, Dr Medhi has urged that in view of the decision of the Supreme Court in *Sharif-ud-din*, it is doubtful as to how far the earlier decisions having stated that substantial compliance with some of the requirements of section 81(3) of the Act would be enough can be stated to be a good law. In *Sharif-ud-din* only that part of the requirement that the attestation shall be under the signature of the petitioner was held to be mandatory and so this decision cannot be regarded to have held that other parts of section 81 (3) are also mandatory. It cannot also be lost sight of that the decisions wherein the view regarding substantial compliance was taken, namely, *Murarka Radheshyam* (supra) and *Subba Roa* (infra) are decisions of benches of five Judges and on different aspects relating to section 81 (3), whereas *Sharif-ud-din* is a judgment by two Judges.

10. It is then contended by Dr. Medhi that in any case the decisions in *Murarka Radheshyam* and *Jagat Kishore* (supra) do not help the petitioner, they rather assist the respondents. This submission has been made because in the first of these decisions it was stated that for a copy to be true copy there should not be possibility of misunderstanding. But in the present case there was definitely such a possibility as per Dr. Medhi, as the respondents understood that there was no verification or affidavit as required by law because in the copy there was no signature in the pages covered by the verification and the affidavit. So the respondents were misled to think that there was no legal and proper verification whereas in the original signatures of the petitioner appeared in these pages of the election petition.

11. The argument thus presented is indeed ingenious; but a close examination would not permit its acceptance. First it would have been misleading if the copies would have contained the signatures but the original would not have.

as in that case, the respondents might have thought that the verification and the affidavit have been signed whereas in fact they were not. Secondly, the respondents had really not understood or misunderstood that the verification or the affidavit had not been signed. What has been stated by respondent No. 3 in her affidavit-in-opposition in this regard is a vague statement that section 81(3) has not been complied with how and in what way, nothing has been stated. What has been averred by respondent No. 1 about the verification and the affidavit in para 5 of his reply is that "no proper and legal verification and/or affidavit has been made by the petitioner in support of the statements and annexures of the Election Petition and as such....." The averment cannot be understood as saying that respondent No. 1 misunderstood that the verification and the affidavit had not been signed at all by the election petitioner.

12. I may be noted that one of the defects in *Murarka Radheshyam* was that the copy which was served on the appellant did not contain the signature of the petitioner at the foot of the petition, though the original had contained such a signature. This was not regarded as violation of the requirements of section 81 (3). Further, what is meant by 'misleading' in this context would be clear if *Jagat Kishore's* holding is borne in mind. In the copy served in that case it was stated that money was offered to one *Jetha Kishu* to obtain his vote by *Paul Hansda*, whereas in the original the allegation was that the money was offered to *Jetha* by *Murshu Hansda*. This divergence was bound to mislead the respondents according to the Supreme Court and prejudice their defence, because in the copy it having been stated that the money was paid by *Shri Paul Hansda*, the first respondent had collected evidence to show that the allegation was false; and if at the later stage he had to meet a totally different case then the entire defence would have fallen to the ground.

13. In the case at hand it cannot be stated that the answering respondents were prejudiced in their defence because of the divergence in question. Really, in their evidence, respondents 1 and 3 have clearly admitted that because of the non-signing of pages 35 to 37 of the copies, they had no difficulty in meeting the charges or in preparing the written statements. I would, therefore, think that the Proposition laid down in the aforesaid case does assist the election petitioner and it cannot be held that copies served on respondents 1 and 3 were not true copies within the meaning of section 81 (3) of the Act.

14. The next grievance on the touchstone of section 81 (3) is that at least pages 35 to 37 of the copies were not attested by the petitioner. A perusal of Exts. 2 and 3, which are the two copies in question, show that the petitioner had signed on all the other pages of the copies, i.e. from pages 1 to 34, below the endorsement reading "True Copy", but has not put this endorsement on pages 35 to 37. Question is whether lack of the same has violated section 81(3). According to *Shri Das*, this has not; whereas the contention of Dr Medhi is to the contrary.

15. In support of his submission, *Shri Das* has first referred to *Subba Roa v. Member, Election Tribunal*, AIR 1964 SC 1027. The copy in that case as served on the respondent bore two signatures of the election petitioner in original, authenticating both the contents of the petition as well as the verification thereof. The petitioner had however not inserted the words "True Copy" below or above his signatures. The Supreme Court held that the signatures must have been put only to authenticate that the copies were the true copies and the lack of the endorsement did not violate the requirements of section 81(3). In this connection, it was pointed out that if there is a total and complete non-compliance with the provisions of section 81(3), the petition might not be "an election petition presented in accordance with the provisions of this part" namely, Section 80. It was stated in para 26 that there was substantial compliance with the requirements of section 81(3) and that enough.

16. The facts of *M. Kamalam v. Vas Mohammad*, AIR 1970 SC 840, are more to the point. There the signature of the election petitioner had appeared only at the foot of the copy of the affidavit. There was no signature of the petitioner in any other place of the copy. *Bhaawati J.*, pointed out that the law does not require that authenticating signature must be made by the petitioner at any particular place of the copy. It may be at the top of the copy in the

middle or in the end. The place of the signature is immaterial so long as it appears that it is intended to authenticate the copy. Being of this view, the submission that the copy has not been duly authenticated in that case because the signature of the appellant had appeared only at the foot of the copy of the affidavit was not accepted.

17. Relying on these pronouncements, Shri Das submits that as the election petitioner had put his original signatures on as many as 34 pages of the copies, his intention to authenticate the entire copy cannot be doubted and as such the requirement of section 81(3) also is not violated.

18. Dr Medhi would not agree with Shri Das and he questions as to why only pages relating to verification and affidavit have been left out? Is it not because the petitioner did not intend to authenticate these? How is it, asks Dr. Medhi, that these pages not only do not bear any signature of the petitioner, but do not also contain any endorsement about these being true copies? Is the whole thing relating to these pages not illegal and improper, questions Dr. Medhi? Reference is also made to Rule 1(a) in Chapter VIIA of the High Court Rules, which requires that all the copies must be "fully attested" by the petitioner. This High Court Rules has imposed an obligation on the petitioner, according to Dr. Medhi, which is something more than the one enjoined by section 81(3) of the Act.

19. Shri Das urges that the requirement of the High Court Rules has to be harmonised with the mandate of the law. It is also contended that if the Rule was to be inconsistent with the requirements of section 81(3), the same may even be ultra vires.

20. I have given my considered thought to the rival contentions. According to me lack of signature or endorsement on the pages in question was either due to omission or because the election petitioner was advised that it was not necessary to make endorsement on these pages, rather than an act signifying the desire not to authenticate the copies. I have taken this view because had the intention been otherwise, the election petitioner would not have attested as many as 34 pages. This has clearly indicated his intention to authenticate the copies. As to the High Court Rules, as presently advised, I am inclined to think that the word "fully" does not mean that authentication has to be on each and every page, as such a view would run counter to the decisions of the Supreme Court noted earlier. In consonance with what has been stated in these judgements, the Rule has to be understood to mean that the intention to authenticate must be complete and full, and this intention I would read in the present case.

21. Both the submissions of Dr. Medhi relating to issue No. 1 cannot, therefore, be accepted. This issue is, therefore, answered against the respondents and in favour of the election petitioner.

22. This takes us to preliminary issue No. 2. The first thing to note about this issue is that section 86, as it stands now, does not include section 83, which has dealt with the verification and affidavit part of the election petition. The Act as enacted had however specifically mentioned section 83. The other sections mentioned in this regard were sections 81 and 117. These two sections have been maintained even now, but for section 83, 82 was substituted by the Representation of the People (Second Amendment) Act, 1956 (Act 27 of 1956) and that section has been retained by all subsequent amendments.

23. Dr. Medhi submits that substitution of section 82 for section 83 has not altered the position, as any violation of section 83 would be taken care of by section 81, which speaks of presentation of an "election petition". Dr. Medhi is indisputably right in contending that a petition would not be an election petition unless the requirements of section 83 dealing with the contents of an election petition are satisfied. In Kamalam (supra), affidavit had also been regarded as a part of the election petition. Shri Das has not challenged this position. It has, therefore, to be seen whether the verification and affidavit of the petition are legal and proper or not.

24. The main submission which Dr. Medhi wants to make in this context is that the particulars of corrupt practice as given in paras 17 to 23 of the election petition do not bring home the charges of corrupt practice, according to him, and as such, the affidavit cannot be said to be legal and proper, as the same has to be "in support of the allegations of corrupt practice and the particulars thereof" as laid down in

the proviso to section 83 (1) of the Act. If the particulars as given in the aforesaid paras do not make out a case of corrupt practice under section 123 (3) or 123 (3A) as alleged in the election petition, then the affidavit would be no affidavit in the eye of law and would not therefore be legal and proper, says Dr. Medhi, as it then would not be an affidavit of the particulars of corrupt practice.

25. At one stage Dr. Medhi is tedious in contending that this respect of the matter could be gone into under issue No. 2 at this stage itself. When his attention is drawn to the fact that even in the draft issues framed on behalf of the Respondent No. 1 the allegations covered by section 123 (3) or 123 (3A) were specifically mentioned under issues Nos. 3, 4 and 5 and while the issues were settled no objection at all was taken on the framing of issue No. 6 which relates to corrupt practice under these sections Dr. Medhi agrees that this aspect would be covered only indirectly by issue No. 2. According to me it would be really going too far while deciding issue No. 2 to deal with this submission. This is so because particulars of corrupt practice are to find place in the election petition proper to use the terminology of Bhagwati, J., in Kamalam (supra), and not in the affidavit. Therefore, if the particulars as given by the election petitioner do not make out a case of corrupt practice as alleged, the same cannot be regarded as a Lacuna of the affidavit. Form No. 25 of the Conduct of Election Rules, 1961, itself makes it clear that the affidavit was only to state whether the particulars of corrupt practice mentioned in the petition are true to knowledge or true to information. Thus, the attempt of Dr. Medhi to satisfy me that the particulars as given in paras 17 to 23 of the election petition which have been supported by the affidavit do not bring home, even if accepted to be true, the case of corrupt practice as alleged against Respondent No. 1, cannot be entertained at this stage. It need not be stated that it would be open to the Respondent to agitate this question at the time of the final hearing.

26. The other defect found with the affidavit is that the statements in paras 10, 11 and 12 of the petition have been sworn to be true to knowledge in para 1(b) of the affidavit, which cannot be, according to Dr. Medhi. It is also stated that para 11 has nothing to do with corrupt practice. It is true that para 11 is not related with the corrupt practice and as such the petitioner was not required to affirm it on affidavit. But if the same has been done, the affidavit cannot be regarded as not proper, as something more than required by law has been done, and not anything less. As to paragraphs 10 and 12, it is contended that when the particulars relating to these paras have been sworn as true to information, how could the statements made in paras 10 and 12 be true to knowledge. Shri Das replies that what is true to the deponent's knowledge is that respondent No. 1 has committed the corrupt practice alleged against him, which is based on the information derived by the election petitioner. I am also referred in this connection to Dwarka Nath v. I. T. O., AIR 1966 SC 81, where in the expression "deponent's own knowledge" in Rule 1 (2) of Chapter XXII of the Allahabad High Court Rules was regarded as wide enough to comprehend the knowledge derived from a perusal of the relevant documents.

27. Thus, I do not think if much fault can be found with the affirmation in paragraph 1(b) of the affidavit that the statements made in the paras in question were true to knowledge. It is also contended by Dr. Medhi that though in para 12 the allegation is that respondent No. 1 had appealed the electors to refrain from voting for the petitioner on the ground of his religion or for his belonging to Adl community, what has been stated in his affidavit about the corrupt practice is regarding appealing the electors on the ground of religion, community, etc. The point sought to be urged is that refraining from voting is different from soliciting votes on the ground of religion, etc. But the statement in paragraph 1(b) cannot be read as soliciting votes on the ground of religion because the word used is "appealing", which does not only include appeal to vote (i. e., soliciting), but also covers appeal not to vote (i. e., refraining).

28. These being the submissions and counter submissions relating to issue No. 2, I would answer the same in favour of the election petitioners. Thus issues Nos. 1 and 2 both stand decided against the respondents. Perhaps the fate of the case shall have to be decided on merits. It cannot be

"The returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are

interrupted or obstructed by riot or open violence or by cause beyond his control.

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings have been adjourned".

6. Relying on these provisions the first submission made by Shri Das is that the objection which had been taken by the petitioner did not really attract any of the clauses mentioned under Sub-section (2) and as such it was within the competence of the returning officer to accept the nomination papers even on 11th. This submission has been made because according to Shri Das the objection was relatable only to the symbol to be allotted to the Respondent No. 1 which would not fall within any of the clauses of sub-section (2). I do not think the objection of the petitioner was really about symbol. A reference to Ext. 11, which was the objection filed on the score, would show that according to the petitioner the PPA has itself been recognised as a unit of Congress (I) in Arunachal Pradesh; and there was no other recognised unit of the Congress (I) functioning in Arunachal. Therefore it was stated in Ext. 11 that nomination papers filed by the candidates as nominees of Congress (I) are all invalid and are liable to be rejected. A reference to the nomination paper of Respondent No. 1 shows that he had claimed that he had been set up in the election by the Congress (I). If what was stated by the petitioner in Ext. 11 was the correct state of affairs, the statement by the Respondent No. 1 in his nomination paper that he was a candidate of Congress (I) would have been a false statement. So the returning Officer had to entertain the objection. Question is whether she could have granted time till 13th to Respondent No. 1 and could have accepted the nomination papers on that day?

7. Answer to this question depends on the interpretation of the words "not later than the next day but one following the date fixed for scrutiny" finding place in the proviso to sub-section (5). Through learned Counsel of both the sides have referred to certain decisions, admittedly in none of those cases the point at hand had fallen for determination: I therefore do not propose to narrate the facts of these cases but it would be enough if the cases relied on are noted in brief along with the observations made therein. Shri Das refers to Jahan Ara Vs. N. A. Horo (46 E.L.R. 221) wherein there is an observation at page 245 that adjournment for giving opportunity for adducing evidence can only be to the next day and not further. In Ram Kishen Vs. Privenj Prasad (AIR 1959 Patna, 356) the date of scrutiny was 1st February and it was observed in para 11 that even if time was allowed till 2nd February, the candidate in question could have produced rebuttal evidence. This observation had been made because by the afternoon of 1st February, the candidate had obtained copies of requisite documents to rebut the objection. In Abdul Gani Vs. Syed Ahmed (40 E.L.R. 138) it was observed that adjournment for this purpose could not be granted for more than 24 hours. Similarly in C. Chettiar Vs. S. Meiyappam (29 I.L.R., 336) it was stated at page 350 that returning officer could grant adjournment to the next working day.

8. As against these decisions referred to by Shri Das, Shri Choudhury in his turn refers to (22 E.L.R. 299) at page 305 of which there is an observation that scrutiny could be postponed for a day or two. Shri Choudhury has further referred to 'Handbook for Candidates' published by the Election Commission of India, at page 36 of which 1977 printed it has been stated that adjournment could be granted up to two days, that is, till day after tomorrow of the date of the scrutiny. In the 'Handbook for Returning Officers' also published by the aforesaid Commission it has been mentioned at para 29 (1979 edition) that adjournment of hearing of objection can be granted till 'next day or the date after that'. By referring to Jameel Vs. Gul Mohammed (A.I.R. 1980 Rajasthan 166) it is urged by Shri Choudhury that this Court should not normally interfere with the instructions and directions issued by the Election Commission unless there be manifestly perverse, arbitrary in nature, or against the principles of natural justice, as was stated in para 28 of that judgment.

9. In trying to find out the meaning of the word 'not later than the next day but one following the date fixed for scrutiny' finding place in the aforesaid proviso, Shri Das contends that I should bear in mind that provisions of Section 36 of the Act are mandatory and that the same should be interpreted in such a way which not clash with the scheme of date, mentioned in section 30. According to the learned Counsel if adjournment for two days can be granted to hear objection after the same is raised on the date of scrutiny, the same would clash with the date of withdrawal which would also fall after two days except those cases where that day were to be a public holiday. It is urged that this clash can be avoided by holding that adjournment for one day along can be granted in the maximum. As against this, the contention of Shri Choudhury is that we have to give meaning to every word of the statute and the proviso having clearly said that the adjournment could be upto the next day but one following the date fixed for scrutiny the time cannot be limited to the next day only. The clash with the time schedule can be avoided according to the learned Counsel by not granting time till 3 P.M. This submission has been made because as per Section 37 of the Act a candidate can withdraw his name before 3 P.M. of the day fixed for withdrawal. It is perhaps because of this that in the aforesaid Handbook for Returning Officers it has been stated at the above mentioned page that 'if the next day is a holiday the hearing should be completed before 11 a.m. on the day fixed for withdrawal of candidatures'.

10. Shri Das submits that the instructions contained in these Handbooks have no statutory force—the sustaining force of this submission being G. Q. Mosala vs. A.G. Lone, 40 E.L.R. 53, and M.P. Singh vs. B. K. Pal 46 E.L.R. 115. In the first of these cases, while standing at p. 61 that the instructions have no statutory force, reference was made to the requirement itself of the instruction in question. In the second judgement it was accepted that the instructions are by way of guidance based on experience. It is true that the instructions cannot prevail if these were to be against the statutory provision.

11. According to Shri Das, the instructions have been mechanically reproduced being oblivious of the changes brought about in Section 30 of the Act by Act 47 of 1966 which inter alia substituted the words 'the second day' in clause (c) dealing with the last date for withdrawal, in place of 'the third day'. One day was thus cut short so far as the withdrawal is concerned. If two days after the date for scrutiny can be allowed or filing objection under the aforesaid proviso, when would the returning officer prepare a list of validly nominated candidates required by Section (1)(b) (i) consent would not have been necessary, get time to consider about his withdrawal, ask Shri Das?

12. I have considered the rival contentions. Keeping in view the language of the proviso which has apparently not confined the time limit to the next day only and whose material part of the language has remained unaltered despite amendment of Section 30(c) in 1966 and what has been stated in the aforementioned Handbook issued by the Election Commission of India which does not militate against the provision of the statute and which has been guiding all concerned. I am of the opinion that time for two days can be granted. But while doing so it would be kept in mind by the returning officer that the last day of withdrawal may also fall on the day and so if maximum time as prescribed by the proviso is sought to be given it would be seen that it is not upto 3 p. m. of that day, and is preferably allowed upto 10 a.m. so that hearing is completed by 11 a.m. leaving reasonable time for preparation of list contemplated by Section 36(5) of the Act, and for withdrawal by the candidate. As in the present case time was initially allowed till 11 a.m. of 13th December which was advanced to 10 a.m., and the nomination paper had been accepted by 10.20 a.m. as would appear from the order-sheet maintained by the returning officer (Ext. 14), I do not think if it can be said that the nomination papers were improperly or illegally accepted. This issue therefore stands decided against the petitioner. A pertinent question about possibility of clash has however been raised by Shri Das and it is hoped that the Election Commission would take note of it, and the legislature would take care of it.

13. Issue No. 4—This issue has not been pressed by Shri Das, and rightly, and so it stands answered in favour of the Respondents.

14. Issue No. 5—This is related to the obstructions put to the polling agents of the petitioner at Karko and Gosang. In regard to this issue as well there has been a departure from the averment in the election petition. The thrust of this allegation as made in Para 24 of the election petition was against the presiding officers of these polling stations because of whose inaction about 1000 voters were allegedly allowed to be cast in favour of Respondent No. 1 which, it is stated in para 25, materially affected the result of the returned candidate. It is because of this in issue No. 5 as finally struck it has been stated whether because of the alleged obstruction the result of the returned candidate was materially affected. But as the petitioner had lost by a margin of 2,435 votes, even if all the 1000 and odd votes said to have been cast in favour of the returned candidate at these two polling stations are excluded, Respondent No. 1 would still be ahead of the petitioner by about 1,500 votes. So, even if the allegation be correct, material effect on the returned candidate would be lacking. Renising this position Shri Das contends that the obstruction in question would invite the mischief of Section 123(2) of the Act and as it was allegedly with the consent of Respondent No. 1, it would be a ground for setting aside the election under Section 100 (1) (b) of the Act.

15. Such a departure is not permissible, as it amounts to putting up a new case not pleaded. But this ingenuity too cannot assist the petitioner, as section 123 (2) prohibits undue influence in the free exercise of any electoral right. Now, reference to section 79 (d) of the Act, which has defined "electoral right" shows that right of a polling agent is not covered by it. Though in evidence something has been said about obtaining a postal ballot by the sole polling agent examined in the case who is Ajong Siboh (P. W. 4), there is not even a whisper about it in the petition. So, the plea that P. W. 4 at least was debarred from voting at Karko cannot even be entertained. Thus, even if all that is deposed by P. W. 4 about obstruction to him in discharging his duty as polling agent is accepted, section 123(2) would not get attracted and section 100 (1) (b) would be far away which cannot come into play without the consent for the returned candidate having established and which cannot be read as in Ext. 16, the document described by Emoh Jopir who is the main person to have prevented Ahong, he has described himself as General Secretary of Karko Youth Association. It is not known if this Association is affiliated or related to Congress (I). Even if Emoh is accepted as a Congress (I) worker as alleged in para 24 of the petition, it is doubtful if he could be regarded as an agent of Respondent No. 1 in any case his (candidate's) consent cannot be read in view of this legal thinking in this regard which is being noted a little later. So, even if all that is pleaded is conceded, this issue has to be answered against the petitioner, which I hereby do.

16. Issue No. 6—This issue lies at the heart of the controversy between the parties. The petitioner has painted a picture of Arunachal where according to him there has been persecution of Christians. In the election petition, the history of the territory has been traced from the treaty of Yandaboo, which as we know, was in 1826. It has been stated that churches had been burnt in Arunachal and Christians are viewed with suspicion and there has been anti-Christian propaganda a galore, whose culmination was the introduction of the Arunachal Pradesh freedom of Indigenous faith Bill, 1978. As the petitioner is the leading Christian of Arunachal, it is alleged that he was sought to be unseated (It may be stated that the petitioner was elected as an M. P. in the 1977 General Election) by playing on the anti-Christian feeling among the Arunachal Pradeshes. A grievance has been made that peoples' tribal feelings were also roused and they were exhorted not to vote for the petitioner because he belongs to Adi tribe, or from its Kepang clan.

17. As this issue is related to corrupt practice, let it be seen with what rudder and compass we can navigate this course. A large number of decisions have been cited before me by the learned Counsel of both the sides. On the basis of these decisions, the following principles can be called down in so far as the burden of proof, and the mode of proving corrupt practice in an election trial is concerned (1) Allegation of corrupt practice is quasi-criminal in nature, or is substantially akin to criminal charge, because it not only vitiates the election but also disqualifies the person concerned from taking part in it for a considerably long time, or may extinguish the man's public life. *Rajik Ram Vs. J. S. Chouhan* (AIR 1975 SC 667), *D. Venkata Reddy vs. R. Sultan* (AIR 1975 SC 1599), *Amolak Chand Vs. Bhagwandas* (AIR 1977 SC 813).

(2) So a grave and heavy onus rests on the accused to establish it by clear, cogent and reliable evidence beyond reasonable doubt. It cannot be established by a mere balance of probabilities. *Razik Ram* (supra), *Nizamuddin vs. Narbada Prasad* (AIR: 1975 SC 1909), *M. Narayan Rao vs. G. Venkata Reddy* (AIR 1977 SC 208), *K. M. Mani vs. P. J. Antony* (AIR 1979 SC 234), *N. C. Zeliang vs. Aju Newmai* (AIR 1981 SC 8) and *R. B. Singh vs. R. B. Jha* (AIR SC 2577). Shri Das has sought to make out some distinction between "beyond reasonable doubt", which expression has been used in some of the aforesaid cases, and "beyond all reasonable doubt", because in some of these cases it has been stated that the charge has to be proved "beyond a reasonable doubt" and in *Nizamuddin* it had been observed in para 13 that the charge has to be proved by evidence which leave little room for doubt though it may not be necessary to prove the allegations beyond all reasonable doubt as in a criminal prosecution. I would think that no difference can really be read between the different expressions used in these cases; and if these have introduced any doubt the same can be said to have been removed by *Venkata Reddy* in para 4 of which it was stated that "The allegations of corrupt practices being in the nature of quasi-criminal charge the same must be proved beyond any shadow of doubt". Thus the charge of corrupt practice has to be established not by a mere preponderance of probability but by a higher degree of assurance and judicial certitude as is needed in a criminal action.

(3) Two corollaries follow from this. First, even strong suspicion would not be sufficient: *la Nerendra Vs. Manik rao* AIR 1977 SC 2171 (Para II); and secondly, benefit of doubt belongs to the returned candidate, vide *Abdul Husain Mir vs. Shamsul Huda*, (1975) 4 SCC 533 (Para 5).

(4) There is, however, one difference between a criminal action and an election petition. The same is that the election trial does not give liberty to the other side to keep mum, and the charge has to be examined on appraisal of the evidence adduced by both the sides. *M. Narayana Rao* (supra) and *M. Chenna Reddy Vs. V. R. Rao* (40 ELR 390).

(5) Oral evidence has to be judged with greatest care as very often the evidence is of partisan witnesses like workers, agents, supporters and friends who have to be regarded as highly interested. So corroboration from independent source, unlying circumstances or contemporaneous and unimpeachable documents is sought for, as a matter of prudence to lend assurance to the verbal testimony. *D. Venkata Reddy* (supra), *Kanhaiyalal vs. Mannalal* (AIR 1976 SC 1886) *Rahim Khan vs. Khurshid Ahmed* (AIR 1975 290), and *Lakhmi Raman vs. Chandra Singh* (AIR 1977 SC. 587).

(6) Mere consistency in the evidence may not weigh, as tutored witnesses are capable of being consistent. So, if the evidence is fraught with inherent improbabilities and replete with unnatural tendencies, Court may reject the same. *D. Venkata Reddy* (supra).

18. In the present case the question of consent of the returned candidate as regards the corrupt practices alleged against him has its own importance in as much as to declare his election void on the ground of corrupt practice, it is Section 100(1) (b) of the Act which has been sought to be pressed into service by the petitioner, and not Section 100



(1)(d)(ii) of the Act. In so far as sub-section 1(b) is concerned, the person indulging in corrupt practice may not be an agent; as the same may be by any person other than the returned candidate or his election agent, but in that case it has to be with the consent of the returned candidate or his election agent. Had the case been under Section 1(b)(i) consent would not have been necessary, but the corrupt practice must have been committed by an agent. There is a further requirement for this sub-section to come to the aid of an election petitioner and the same is that the result of the returned candidate must have been materially affected because of the corrupt practice committed. In the present case there is no allegation that because of the corrupt practices in question, the result of the Respondent No. 1 was materially affected. As it is sub-section 1(b) which is sought to be relied on. It has to be seen as to when can consent of a returned candidate or his election agent can be inferred even if a corrupt practice is committed by any other person.

19. Shri Das has referred to a number of decisions on this point. The first is the Division Bench judgement on this Court. In *Mani Gopan vs. Abdul Hamid* (AIR 1959 Assam 290) Para 4 of this judgement has been read out to me. It has first dealt with the expression "Agent" as used in the Act which has a wider connotation for the purposes of the Act because of Explanation (1) to section 123 of the Act. As stated in that Explanation any person who acts in connection with the election with the consent of the candidate becomes an agent. So any person who works for the candidate and whose services have been accepted by the candidate would be his agent. So also an association of persons or a society or a political party and its prominent members, who set up the candidate, sponsor his cause and work to promote his election may also be called "agents" of the candidate for election purposes.

Attention was then paid as to when the consent to the candidate can be inferred. It was rightly stated that direct evidence of consent may not be available in most of the cases and so it would be unwise to insist upon production of direct evidence. Consent can therefore be inferred from this facts and circumstances proved. The following observations in para 4 of *Nani Gopal* is pressed into service. The case, however, of an agent, who has been proved to be regularly working for the candidate during the election, stands on a somewhat different footing. In his case, approval or consent to any act done by him to promote the candidate's election if implied, where, therefore, corrupt practice in the course of the election proceedings is attributed to an "agent", it raises a strong presumption that it was done at the instance or with the express or implied consent of the candidate himself.

20. In *Inder Lal vs. Lal Singh* (AIR 1961 Rajasthan 122), which is also a decision of Sarfoo Prasad, C. J. who had delivered the judgment in *Nani Gopal* as the Chief Justice of the Assam High Court, it was accepted that the publicity Secretary of Nagar Congress Committee would be an agent of the candidate, and it was observed that it could not be delivered that the candidate was unaware all along about the activities of the aforesaid Secretary who was mainly responsible for the work of publicity on behalf of the candidate. A mere sympathiser would, however, not be an agent as stated in *Biswanath vs. Haralal* (AIR 1958 Assam, 97).

21. *S. N. Balakrishna vs. Fernandes* (AIR 1969 SC 1201) is an important case on this aspect. One of the points which had been examined in the case was whether what was done by Shri Atery who was Editor of 'Maratha' wherein certain objectionable articles against the election petitioner had appeared, could be said to be with the consent of Shri Fernandez. As it was admitted that Shri Atery could be treated as an agent of Shri Fernandez, the point relating to agent was not gone into, and attention was paid only on the question of consent. While dealing with this aspect it was stated in para 50 that mere knowledge is not enough in this regard and consent cannot be inferred from knowledge alone. In this connection reference was made to earlier position in the Indian Election Law which had mentioned about 'Knowledge and connivance', which now speaks of 'consent'. It was observed that since the earlier phrase has been dropped it is reasonable to think that the law requires some concrete proof, direct or circumstantial of consent, and not merely of knowledge and connivance. Earlier it had been observed in para 47 that consent can be inferred from circumstantial evidence also, but the circumstances must

point unerringly to the conclusion and must not admit of any other explanation. In para 45, the mere fact of a person being an agent was not regarded as sufficient in this regard unless the person concerned be the sole agent. If he were not so, it was stated there must be some reasonable evidence from which an inference can be made of the meeting of the minds, or a tacit approval of the general conduct of the agent. In the case before the Supreme Court despite some circumstances pointing to the consent of Shri Fernandez to it, (i) benefit reaped by Fernandez from the writings, (ii) common platform of Shri Fernandez with Shri Atery, (iii) social contacts of Shri Fernandez with Shri Atery, (iv) cause of Shri Fernandez being supported by Sampurna Maharashtra Samiti whose chairman Shri Atery was, the Court ultimately refused to read consent of Shri Fernandez in the articles published in 'Maratha'.

22. It was accepted in *Sheopat vs. Harish Chandra* (AIR 1960 SC 7217) that consent can be implied but it cannot be equated with knowledge. On the facts of that case consent of the candidate was inferred because the acts were numerous and had extended over a number of days. The acts had been perpetrated by the father of the candidate and another worker and so the court accepted that the candidate must know about the same. Despite this as the candidate did not take any step to prohibit the act of carrying voters to polling booths, the Court accepted that the acts must have been committed not haphazardly but by design and the candidate must have consented to it.

23. Shri Das has also referred (37 E.L.R. 217) wherein the allegation related to publication of objectionable posters. The candidate had seen the posters and had even shown the expense incurred on this account in his return of election expenses. The person who had done so was made all in all of the election campaign. On these facts the Court read the implied consent of the candidate. In *Janak Sinha vs. Mahant R. K. Das* (AIR 1972 SC 359) a voter had been prevented from exercising his right in presence of the candidate who had made no attempt to stop his supporters from doing so. Because of this implied consent of the candidate was inferred.

24. Shri Das has also referred to *Daijnath Singh Vaidya vs. Ravindra Pratap Singh* (36 E.L.R. 327) wherein it was stated where there are joint candidates, agent of one can be regarded as the agent of another unless there is something to show that the agent was active on behalf of one candidate only. The learned Counsel has also drawn my attention to *Mohammad Koya vs. Muthukoya* (AIR 1979 SC 154) in para 51 of which it was stated that the term 'consent' is a much stronger word than knowledge because it implies conscious assent. Shri Choudhury has further referred to *H. C. Mohanty vs. Surendra* (AIR 1974 SC 47) wherein to infer consent of the returned candidate to a speech given by Shri Biju Patnaik personal intimacy between the candidate and Shri Patnaik long prior to the date of election, and its continuance thereafter, with a clear general political identification between the two persistent association between them in political action, the then existing relationships of master and servant were all pressed into service. Despite this it was observed by the Supreme Court that these circumstances do not justify the inference of consent. It was pointed out that consent or agency cannot be inferred from remote causes. Consent cannot be inferred from mere close friendship or other relationship or political affiliation.

25. The above case field the following conclusions on the question of consent :

- (1) it cannot be equated with knowledge;
- (2) it is different from connivance;
- (3) it need not be express and can be inferred from facts and circumstances of case;
- (4) the fact that an action has been taken by an agent as understood in the Election law is not enough to imply consent of the candidate;
- (5) this cannot also be inferred from mere close relationship or other relationship or political affiliation;
- (6) if the agent be a regular worker in whose hands election campaign has been left, or if he be the sole agent, implied consent of the candidate may be read;

- (7) if something be done in the presence of a candidate, or is said to his hearing, implied consent may be taken; and
- (8) if numerous acts of one nature are done to the knowledge of the candidate, it may be accepted that the same was done with his consent.

26. Broadly speaking, in the present case there is nothing to show even the knowledge of the returned candidate to the various alleged acts of corrupt practice, except what had happened at Kiyit. It is the admitted position and fact that the constituency in question is situated in difficult terrain of Arunachal and as accepted by the petitioner himself it is possible for a candidate to meet all his workers. It is worth noting that the places wherein the alleged propaganda on the basis of religion and tribe had been carried on are all parts of East Siang District as stated by the petitioner in his evidence. From Respondent No. 1 we get that so far as this district is concerned, he had gone to Pasighat for one day upto Kiyit otherwise he had done most of his election work in Lohit and Tirap districts. Thus the acts might have been numerous, but it would be unfair to the returned candidate to impute knowledge of what had been going on. Shri Das, however, seeks to rely on the admission of R.W. 3 who is Respondent No. 1 that it may be that the persons who had worked for the Assembly candidates had worked for him also. According to Shri Das the agents of those candidates can very well be regarded as agents of the returned candidate also because of what has been stated in 36 E.L.R. 327. Even if this is conceded, it cannot be held that merely because of this the consent of Respondent No. 1 has also to be read in all that had been done by those agents. Incident at Kiyit, however, stands on a different footing because in that meeting Respondent No. 1 was personally present and so his implied consent in what was stated by Okep Tayeng (R.W. 6) can be read.

27. With this legal rudder and compass let us chart our way. The petitioner has specifically narrated about seven incidents in which, according to him, propaganda on the basis of his religion and community was taken recourse to. These being in—

- (i) Mirem on 5-12-79.
- (ii) Gete on 12-12-79 and 28-12-79.
- (iii) Bamin Mushup on 25-12-79.
- (iv) Kiyit on 25-12-79.
- (v) Koku Camp Airfield on 26-12-79.
- (vi) Riga on 30-12-79.

28. The first two occurrences have to be excluded altogether because of the definition of the expression 'candidate' in section 79(b) of the Act as per which a person becomes a candidate after he has been duly nominated. In the present case, as already noted, the nomination papers of the candidates had been accepted on 13-12-79; and so what had happened on 5-12-79 at Mirem or on 12-12-79 at Gete cannot be said to have been done by the Respondent No. 1 or his agent after he had become a candidate. This position is fairly admitted by Shri Das.

29. We, therefore, come straight way to the allegation relating to the meeting held at Bamin Mushup on 25-12-79. According to the petitioner what had happened there was that the meeting was addressed by Shri Talom Rukbo who was a Congress(I) candidate for Pasighat Assembly constituency; and by Shri Taruk Ering, a Congress(I) leader of village Roving. Talom is said to have stated that if the P.P.A. was voted to power the petitioner would compel the entire people of Arunachal to embrace Christianity and their own religion would be destroyed. Shri Taruk Ering also delivered an Anti-Christian speech and to make his thoughts clear he narrated the story of a crane and a fish, the sum and substance of which is that the crane devoured all the fish of a river on the plea of taking them to safer place by telling that the present course would get dried up. The petitioner was compared with the crane and Taruk said that the actual intention of the petitioner was to convert the people of Arunachal to Christianity.

30. Petitioner has examined P.Ws. 2, 3 and 5 to bring home this allegation. Ext. 20 said to have been executed on 2-1-80 is also called in aid. As it would not be possible to find any fault with the returned candidate for all that had

happened in that meeting unless it could be said that the Respondent No. 1 had a consent, express or implied to what was said, I have thought it proper to first address myself to the question of consent. The first thing to note is that nothing has said about consent in para. 19 of the election petition which has dealt with this meeting. Though P.W.1, the petitioner, has stated in his evidence that Shri Ering had said that he had come as an agent of Respondent No. 1 and with his consent, there is no mention about this in Ext. 20 which is said to be a contemporaneous document. Therein Shri Ering has only been described as a Congress (I) leader. None of the P.Ws. 2, 3 and 5 has said anything about the consent of Respondent No.1, their evidence that Shri Ering had been sent by Respondent No. 1, or that Shri Ering had come on behalf of Respondent No. 1 can at best mean that Sri Ering had come to the meeting with the consent of the returned candidate, and not that what Shri Ering had said that he had the consent of this Respondent. From what has been stated in Fernandez (supra) it is clear that consent has to be for each of the corrupt practice. Shri Das has urged that as Taruk Ering had worked for Talom Rukbo who was the Congress (I) candidate for one of the Assembly constituencies included in the Parliamentary constituency in question. Shri Ering has to be regarded as an agent of Respondent No. 1 also, even if this is conceded, it cannot be said that Respondent No. 1 had consented to all and sundry that Shri Ering would do.

31. Because of the above, it cannot be held that the speech delivered by Shri Ering or for that matter by Shri Talom Rukbo had the consent of Respondent No. 1 so even if all that has been alleged to have transpired in this meeting be correct, the same cannot ensure to the benefit of the petitioner in so far as the present case is concerned.

32. The meeting in sequence is the one that was held at Kiyit. I would like to take at least because in that meeting Respondent No. 1 was personally present and so whatever had been stated by Obyak Ering and Okep Tayeng can be said to have been with his implied consent. It shall have to be therefore seen as to what in fact had come out from those speakers, including the returned candidate himself.

33. This takes us to the meeting at Gaku Camp Airfield on 26-12-79. According to Shri Das this allegation has stood established on the admission itself of Respondent No. 1. This stand has been taken because according to the learned Counsel the averments relating to this meeting as finding place in para 21 of the election petition have not been specifically denied by the returned candidate in para 19 of the written statement wherein this allegation has been traversed by him. It is urged by Shri Das that by virtue of Section 87 of the statement wherein this allegation has been traversed by him. It is urged by Shri Das that by virtue of Section 87 of the Act, the provisions in the Code of Civil Procedure apply, as newly as may be election trial also; and the provisions of the Indian Evidence Act apply in full force to such a trial. My attention is then invited to Order 8 Rule 5 of the Code of Civil Procedure and to Section 58 of the Evidence Act, the purport of which is that if any allegation is not denied specifically or by necessary implication or stated to be not admitted, the same shall be taken to have been admitted. There is a proviso to both these to have been admitted. There is a proviso to both these provisions which has laid down that despite the deemed admission as aforesaid the court may in its discretion require any fact so admitted to be proved otherwise than by such admission. Shri Das has referred me to Sahodra Bai vs. Ram Singh (AIR 1968 SC 1079) and Jagjit Singh vs. Kartar Singh (AIR 1966 SC 773) to support him in his submission that the provision of Order 8 Rule 5 can be invoked even where a corrupt practice is alleged. By referring to Jowallal Kamlanat vs. Pratap Mal (1978 ISCC 69) it is urged that general denial is not enough. What is stated in Badar & Co. vs. Air India Trading Co (AIR 1964 SC 538) is that evasive denial is not the Civil Procedure Code cannot be applied to an election enough. According to Shri Choudhury all the provisions of trial and he refers to K. V. Rao vs. R. M. Reddi (AIR 1969 SC 872). It is also submitted by referring to (AIR 1972 GAIL 81) that the very fact that this court had framed an issue and parties have led evidence to support even this allegation would show that the discretion under the proviso to the aforesaid provisions has been exercised by this Court. Shri Das would not agree with the latter submission of Shri Choudhury and he refers to what was said in Badar & Co. (supra) wherein it has been observed the proviso can be invoked only in exceptional



para 33A. Before going into the legal submissions it would be necessary to see whether the factual basis of the submission of Shri Das can be accepted. A reference to para 19 of the written statement show that it runs into two typed sheets of foolscap size. In the first 28 lines of this para all that has been said in para 21 of the election petition has been denied one by one. No doubt, what has been stated thereafter would show that the answering Respondent confused between the Geku Camp Airfield meeting and the Geku Village meeting. This appears from the statements made in para 19 that the meeting held on 26-12-79 was organised and addressed by the petitioner and that was in fact a joint meeting of both Congress (I) and PPA. It was admitted by Respondent No. 1 in his evidence that these assertions are relatable to Geku Village meeting and not Geku Camp Airfield meeting. It is because of this that Shri Das has submitted that all that has been said in para 19 has to be read as relatable to Geku Village meeting. But I do not think if that would be a fair reading of para 19. This conclusion is fortified if attention is paid to what has been stated in the concluding sentence of para 19 by which it was denied that Shri Oyem Boko had given a speech as alleged or that the answering Respondent had asked Shri Boko to deliver the speech in question. Now even according to the petitioner Shri Oyem Boko had addressed the Geku Camp Airfield meeting, and not the Geku village meeting. Really the entire allegation relating to the Geku Camp Airfield meeting is confined to what was stated by Oyem Boko in the meeting. This is what has been deposed to by P.Ws. who is the solitary witness so far as this allegation is concerned.

34. Because of this I would not accept that Respondent No. 1 had admitted the allegations relating to the Geku Camp Airfield meeting. The legal submission therefore do not call for my examination. It is to be seen whether what Oyem Boko had said in their meeting was with the consent of the returned candidate. In para 21 of the election petition Oyem Boko has been characterised as an ardent supporter of Respondent No. 1. In Ext. 22 also which is related to this meeting Oyem Boko has been stated as a Congress (I) worker. There is nothing on record to show if Shri Boko had done any other work for the Respondent. The petitioner as P.W.1 admitted that he could not say if Oyem Boko was an office-bearer of Congress (I). The mere fact that Shri Boko belongs to Congress (I) party cannot be regarded as sufficient, in view of the legal position, which has already been analysed, that what was stated by Shri Boko was the consent of the returned candidate. Thus, for this incident as well no fault can be found with Respondent No. 1.

35. This takes us again to Geku Village where according to the election petitioner P.W.10 Atom Panggan was met by Kopkem panggan on 28-12-79 and the former was asked to be careful in voting in favour of the petitioner who is a Christian and has formed PPA which is a Christian party. Though in para 22 of the election petition it is stated that Kopkem had canvassed for Respondent No. 1 with the consent. P.W.10 admitted that he had not seen Kopkem meeting the returned candidate at any time. The petitioner also stated in the witness box that Kopkem was as known to him from before. In Ext. 23 Kopkem has been described as a worker and supporter of Congress (I) and Respondent No. 1. There is nothing about consent in this exhibit. Because of this the consent of Respondent No. 1 cannot be read in what was stated to Kopkem by Atom even if the former had stated as alleged.

36. This leaves for consideration, except the Kiyit meeting, as to what had happened at Riga where according to the petition an important meeting had taken place on 30th December. The meeting had really been arranged by PPA, but it is alleged that it was subsequently captured by Congress (I) workers, including Tasing Tatin, Tabang Tatin and Tamak Taduk. The Petitioner himself was present in this meeting. According to him these named persons had stated that as Respondent No. 1 could the favour was between Padame and Minvongs in which Pri-Lidung (a famous historical monument of stone) was burnt. The speakers further said that the fore fathers of the petitioner were not so educated still they did such damage and harm to the Minvongs and the petitioner being more educated would cause more harm. All these were said according to the petitioner to arouse the feelings of Minvongs so that they may not come for anybody of Padam Sub-tribe.

37. The evidence relating to this meeting is mainly by P.W.1 Shri Das has urged that there is no bar in relying on the evidence of solitary witness like P.W.1 because the petitioner cannot after all the characterised as an accomplice. That may

be so, but let it be seen whether consent about what was stated in Riga meeting can be attributed to Respondent No. 1. Though in his evidence P.W. 1 stated that the Congress (I) workers who addressed the meeting had told that as Respondent No. 1 could not come due to his illness they had been sent, in Ext. 24 there is no mention about this what has rather been stated in it is that the speaker were all Congress (I) workers and supporters of Respondent No. 1 keeping in view the legal position that consent cannot be implied to any and everything done by a worker or an agent, I would hold that there are no materials before me to imply consent of Respondent No. 1 to what had been told by the Congress (I) workers at Riga meeting.

38. Let the Kiyit incident be analysed now. The averment in this regard is that the Respondent No. 1 himself was present in the meeting which also was attended by Obyak Ering (PW5) and Okep mayeng (PW4). Respondent No. 1 is said to have delivered a short speech and his main theme was that the petitioner being the President of PPA could never succeed with his regional Party to do any good to Arunachal and hinted that his party had been working for the Christians only. Okep in his turn solicited the villagers to vote for Respondent No. 1 and said that they should know that the petitioner is a Kepang which is a clan of trouble makers and true to the nature of his clan he would create trouble for the whole of Arunachal.

39. As in the final Issue No. 6 framed by this Court on 3-7-80 mention had only been made about Adi community, Shri Das had filed a petition on 27-3-81 for a little recasting of this Issue which was allowed on 30-3-81 after hearing both the sides by ordering that the words "or Kepang clan" be added after the word "adi community" in the first part of this issue.

40. Shri Choudhury at first submits that what has been alleged about Respondent No. 1 should not be considered at all because in Ext. 21 which according to the petitioner had been prepared on 2-1-80 as per the reporting of P.W. 6 pangking parin, nothing has been mentioned about the alleged anti christian speech of Respondent No. 1. When attention of the petitioner was drawn to this he stated that he had forgotten to mention about Respondent No. 1 speech in Ext. 21. Although he had given importance to it, I do not think if this explanation merits acceptance. Shri Das fairly agreed that in view of Ext. 21 I have to confine myself to the alleged speech of Okep Taveng only.

41. As regards what was stated by Okep Shri Choudhury has contended that even if what has been alleged in this regard be accepted, the speech would not attract the mischief of Section 123(3) or (3A) of the Act. He seeks to draw strength from two decisions of the Supreme Court Jaidev Singh vs. Pratap (AIR 1963 SC 133) and Kanti Prasad vs. Purshotam Das (AIR 1960 SC 851). I do not think if these decisions sustain the submission of Shri Choudhury. What was stated in Jaidev Singh is that these sub-sections must be read in the light of the fundamental right which is guaranteed by article 29(1) of the Constitution, which has conferred the right to the citizens to conserve their language, script and culture. In Kanti Prasad describing the political party as irreligious was held to be not prohibited but in the same decision asking for votes for the candidate as Brahmin was held to be mischief within the meaning of Section 123(3). In the present case the direct attack on the petitioner is that he belongs to a particular clan or community and as such I have no difficulty in holding that if the allegation be true the same would attract the operation of sub-section (3). The fact that the speaker had alleged instigation for saying that the petitioner should not be voted as a Kepang. Kepangs are trouble makers cannot be a ground to take out the case from the operation of sub-section (3).

42. Let it therefore be seen whether what has been alleged against Oken is true or not. As reliance has been placed on Ext. 21 it would be in the fitness of things to dispose of the objection of the Respondents not only relating to this Exhibit but to Exts. 18 to 24 which are related to what happened in the different meetings in question. My attention is first drawn to the fact that in the election petition mention has not been made in all the relevant paras that the petitioner had noted down what had been reported to him. This applies to Exts. 18 and 22 to 24. The second attack on all the documents is on the ground that they were filed for the first time in Court on 15-9-80, whereas the date for filing documents was 1-7-80. Not that the petitioner did not file any document on that date, he really had filed some which have been mentioned in Annexure 'A' to the petition filed on 1-7-80. Ext. C. None of the Exts. 18 to 24 finds place in Annexure 'A' to that petition. When the petitioner was in the witness box he was asked

as to why had sent some documents only to his Counsel for filing, and not Exts. 18 to 24 the petitioner could not ascribe any reason for it though he earlier stated that these exhibits had been shown to his counsel which had been taken back by him as he was told that these would be required to be filed on the date of taking steps. Shri Das submits that the petitioner might not have sent these exhibits to him in view of their importance and might have thought it fit to carry the same as and when he was to come to Gauhati. This explanation has not been offered by the petitioner himself, and secondly, if the fear of loss in transit was the cause, there is no reason as to why these exhibits could not have been kept with the Counsel to whom these had been allegedly shown while drafting the election petition. Shri Choudhury submits that the practice of manufacturing documents is a common evil which was noted by the Supreme Court itself in para 37 of B.B. Keremore Vs. Govind (743960719). It cannot be denied that these aspects have robbed Ext. 21 of its value as contemporaneous documents.

43. From the petitioner's side PWs 6 and 9 have deposed about Okep's speech. P.W. 1's evidence is derivative. We may first advert to the evidence of P.W.9. He is admittedly not a signatory to Ext. 21. His name does not find place in the election petition also as an informant. He, however, said that he informed about the meeting to the petitioner on 4-1-80 at Pasighat. When he was asked about the reason of his having gone to Pasighat, a distance of about 9 Kms. from his Village, he first answered that he had gone there to meet the petitioner to know as to when the result of the election would be announced. This explanation does not stand scrutiny because Onyak Rome an Assembly candidate whose house is about 300 feet away from that of the witness was available to give this information. Relishing the weakness of his explanation, the witness thereafter said that he had gone to Pasighat on foot for marketing. His close affinity with the petitioner is evident from the fact that the latter was known to the witness from his childhood. There is doubt if this witness had attended the meeting because he stated in cross-examination that apart from respondent No. 1 and Okep nobody had addressed the meeting whereas it is in the evidence of P.W. 6 himself that Obyak had also spoken. What was whittle down the value of his evidence is his statement that "As the meeting had been held long time back I do not remember what had transpired in that meeting". This being the position it would not be safe to place reliance on the evidence of such a witness to sustain a serious charge.

44. P.W. 5 is the only other witness of the petitioner as regards Okep's objectionable speech. This witness belongs to the same tribe from which the petitioner comes. He had known the petitioner from his school days. When he was asked as to how he could remember the date of the meeting the answer was that he did so as the date was mentioned in the posters. But to the witness does not remember the contents of the posters.

45. Relying on these statements Shri Choudhury submits that I should not believe all that has been said by P.W.6 about Okep's speech. It is further urged that it is doubtful if this witness had gone to Pasighat on 2-1-80 to report the petitioner about the Kiyit meeting. I am asked to remember that 3-1-80 was just on the eve of the poll which was on 3rd, which would have kept any candidate on his toes, and would not have given him time to listen leisurely and to note down such reports equally leisurely as has Ext. 21 been done, according to the Counsel. As the witness had admitted that he had noted the date of his visit in the diary, it is urged by Shri Choudhury that an adverse inference should be drawn for the non-production of the same. As to some objection having been raised by one Akodong Pertain in the meeting as stated by P.M. 6, it is submitted that I should not believe the same as Ext. 81 is silent about this. But then that some objection had been raised in that meeting has been admitted by Okep himself.

46. Let us now see what R.Ws. 3 to 5 have to say in this regard. According to R.W.5 who was the President of the Pasighat District Congress Committee, it was he who had arranged the meeting at Kiyit having known that the Parliamentary candidate was arriving at Pasighat by the night of 24th December. Next day he took the candidate to Kiyit which according to him is a journey of about 5/6 hours from Pasighat even by a vehicle. Then they went to village Mushum and found some people having gathered pursuant to an information which had been sent earlier. According to him, he first introduced the candidate who

then spoke a few words to be followed by Okep. All these witnesses have denied that Okep said anything about the petitioner, not to speak of his having been named as member or Kepang clan a clan of trouble-makers. According to these witnesses the meeting was for about half an hour and each had spoken for 5/10 minutes.

47. Shri Dass has urged that these witnesses have not told the full truth. He draws my attention to the evidence of R.W. 3 wherein he admitted that he had spoken something about PPA and Okep might have also mentioned something about it, whereas both R.Ws 4 and 5 denied to have said anything about PPA. So also, though Okep about some objection having been raised by somebody in the meeting, the other two denied this. It is then urged that it cannot be believed that R.W.3 and 5 having gone to Kiyit for the purpose of holding the meeting, would have wound up the same within about half an hour. When the witnesses were asked about this they said that they were in a hurry to come back as Pasighat was long way from Kiyit. Shri Choudhury seeks to support this statement by submitting that in the wintry month of December one has to wind up early to reach home in time. That may be so, but the party having undertaken 5/6 hours journey to reach Kiyit, it cannot be believed that they would have stayed there for only about half an hour.

48. that as it may, the question is whether Okep had said anything relating to the clan of the petitioner. Shri Das contends that Okep would not admit this, nor would R.Ws. 3 and 5 as they are interested persons. It is urged that Okep being a non-Kepang and he having admitted that the Kepang and non-Kepang have some difference between them it is natural that Okep would have said something relating to the Kepang clan of the petitioner as these types of propaganda do have appeal even now in modern India.

49. As against this, the submission of Shri Choudhury is that Okep himself being the election agent of Kang Barang, a Kepang himself and who was the Assembly candidate from Mevo-Mariyang Assembly, Constituency which included Kiyit, it is not believable that Okep would have said anything against Kepang which would have gone against his own candidate. Shri Das submits that there is no document to show that Okep was an election agent of Kang Vorang and nothing was stated about this in the written statement of the Respondent No. 1. He has also drawn attention to the evidence of R.W. 3 according to whom Okep was a polling agent of Kabang. Okep's own evidence in this regard has to yield to what was stated by R.W. 3 because it is Okep who would know for definite as to what was he. So far as R.W. 3 is concerned, this was a derivative knowledge only. The statement of Okep that posters in favour of Kabang had been printed in his name would seem to facify the position of Okep more as the election agent than a polling agent. No document might have been produced, as Okep was not challenged on this point. As to non-mentioning about this in the written statement of Respondent No. 1 this might be because this respondent had not met Okep before filing his reply.

50. There is still another aspect of the matter. According to Okep, in Kiyit Kepangs are in majority. If that be so, it can not be believed that anything would be said there against Kepangs. Shri Das submits that this statement of Okep has to be read alongwith what he had stated earlier that non-Kepangs would be in majority on the said of the Slang river, that is, on its east. But that statement relates to the whole area to the east and as such may not be applicable to Kiyit itself.

51. Strong reliance has been placed by Shri Das on the admission of Okep that while they were giving lectures some people in the audience had stood up and wanted to say something in favour of PPA. This alone according to the Counsel that something spoken by the persons addressing the meeting must have hurt somebody in the audience suggesting that something objectionable must have been said about PPA what could it be says Shri Das except that PPA was describe as a party of Christians. That may be so, but we are more concerned as to whether Okep has said anything against Kepang. According to Shri Das it was really objectionable remark relating to the Kepangs which had infuriated the persons in question but Okep could not have admitted that and therefore said that the persons from the audience wanted to say something about PPA.

52. Both sides have a point relating to Kiyt. I would think R.Ws. 3 to 5 were suppressing something relating to this meeting. But then I do not think if it would be neat and proper to hold Respondent No. 1 guilty of the serious charge of corrupt practice relying solely on the evidence of witnesses like P.Ws 6 and 9, who as has already been seen have to be regarded as interested in the petitioner and whose testimony is not of that kind which can be regarded as unimpeachable. P.W. 6 admitted that the Gaon Bura of Kiyt was present in the meeting but he has not been produced, nor has Akodong Pertin been Ex. 21 cannot also advance the matter in view of what has been stated above. In any case, I would give the benefit of doubt to the returned candidate as when an election is challenged on a ground with criminal taint as is the charge of corrupt practice, this benefit belongs to the returned candidate as stated in para 5 of Abdul Russain Mir, Vs. Shamusul (1975) 4SCC 533.

53. Thus I hold that the charge of alleged corrupt practice has not been brought home against the returned candidate either because he had not consented to the same or because I entertain a reasonable doubt as to the veracity of the allegation itself. Issue No. 6 therefore stands answered against the petitioner.

54. Issue No. 7—In view of my findings on Issues No. 3 to 6 no relief can be given to the petitioner.

55. This election petition is accordingly dismissed. I award a sum of Rs. 500 as cost to the Respondent No. 1 and a similar amount as cost payable to Respondent No. 3.

Sd/-

B. L. HUNSARIA, Judge  
[No. 82/ARVN-HP/2/88]

By Order,

C. L. ROSE, Under Secy.

#### प्रावेश

नई दिल्ली, 7 दिसम्बर, 1981

प्रारंभ 2.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़नेवाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए आवेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

#### सारणी

क्रम सं०	निर्वाचन की विधिष्टियाँ	लोक सभा निर्वाचन क्षेत्र की क्रम० सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थियों का नाम व पता	निरहूता का कारण
1	2	3	4	5
1. लोक सभा के लिए साधारण निर्वाचन, 1980	1-नई दिल्ली	श्री गुरुवरनमिह मलिक, 1069, लक्ष्मीबाई नगर, नई दिल्ली।	कोई भी लेखा दाखिल नहीं किया।	
2. —वही—	1-नई दिल्ली	श्री हरकेश सिंह, 92/11, प्रो० सी० जैम्वरी सर्वेंट क्वार्टर्स, गोल मार्किट, नई दिल्ली।	कोई भी लेखा दाखिल नहीं किया।	
3. —वही—	1-नई दिल्ली	श्री आर्डी०एस० जोहर, लोटस कोर्ट, बार्ब रोड, बम्बई।	—वही—	
4. —वही—	1-नई दिल्ली	श्री रामनिवास गुप्ता, मकान नं० 501, प्रोकार नगर, त्रिवार, नई दिल्ली।	—वही—	
5. —वही—	2-दक्षिण दिल्ली	श्री हरजीत सिंह, बी-185, राणाप्रताप बाग, दिल्ली।	—वही—	
6. —वही—	3-बाह्य दिल्ली	श्री पूरनचन्द बघवा, कवा-424, दक्षिणपुरी, नई दिल्ली।	—वही—	
7. —वही—	3-बाह्य दिल्ली	श्री रमेशचन्द कोहली, 8/74, दक्षिणपुरी एक्सटेंशन, दिल्ली।	—वही—	

1	2	3	4	5
8.	लोक सभा के लिए साधारण निर्वाचन, 1980	3—बाह्य दिल्ली	श्री रोशन लाल, 105-ग्राम खिरकी, डा० मालवीय नगर, नई दिल्ली।	कोई भी लेखा दाखिल नहीं किया।
9.	—वही—	3—बाह्य दिल्ली	सैयद मुशीर अहमद, सी-7/128, डी०डी०ए० फ्लैट्स, भीमनगरी, नई दिल्ली-11	—वही—
10.	—वही—	5—कांन्वी चौक	श्री देवेन्द्र गुप्ता, 1-सैटकाफ रोड, सिविल लाइन्स, दिल्ली-54	—वही—
11.	—वही—	6—दिल्ली सदर	श्री नरेन्द्र कुमार, 4527 मेन रोड, पहाड़ी धीरज, दिल्ली।	—वही—
12.	—वही—	6—दिल्ली सदर	जल्मेवार दिलोशन सिंह, ए० 074—मानसरोवर गार्डन, नई दिल्ली-15.	—वही—
13.	—वही—	6—दिल्ली सदर	श्री केशव (केशव प्रसाद सिंह), IX/2851-1 बी कैलाश नगर, दिल्ली।	—वही—
14.	—वही—	1—नई दिल्ली	श्री सख्खरी ठाकुर, 17—नार्य एवेन्यु, नई दिल्ली।	लेखा रीति से दाखिल नहीं किया।
15.	—वही—	1—नई दिल्ली	श्री कुन्वन सिंह बाल्मिकी, एल-16-जे०जे० कालोनी, शकूरपुर, दिल्ली-34.	लेखा समय के अन्तर तथा रीति से दाखिल नहीं किया।

[सं० 76/दिल्ली/80]

आदेश से,

प्रो० ना० नागर, प्रवर सचिव,  
भारत निर्वाचन आयोग

## ORDER

New Delhi, the 7th December, 1981

O.N. 2.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

Sl. No.	Particulars of election	S.No. & name of parliamentary constituency	Name and address of the contesting candidate	Reasons for disqualification
1	2	3	4	5
1.	General Election to the House of the People, 1980.	1—New Delhi	Shri Gurcharan Singh Malik, 1069, Laxmibai Nagar, New Delhi.	Failed to lodge any account of his election.

1	2	3	4	5
2.	General Election to the House of the People, 1980	1—New Delhi	Shri Harkesh Singh, 92/11, O.C. Chummary, Servant Qrs., Gole Market, New Delhi.	Failed to lodge any account of his election expenses
3.	Do.	Do.	Shri I.S. Johar, Lotus Court, Church Gate, Bombay.	Do.
4.	Do.	Do.	Shri Ram Niwas Gupta, H. No. 501, Onkar Nagar, Tri Nagar, New Delhi.	Do.
5.	Do.	2—South Delhi	Shri Harjit Singh, B-185, Rana Pratap Bagh, Delhi.	Do.
6.	Do.	3—Outer Delhi	Shri Pooran Chand Wadhwa, Q. 429, Dakshinपुरी, New Delhi.	Do.
7.	Do.	Do.	Shri Ramesh Chand Kohli, 8/74, Dakshinपुरी Extension, Delhi.	Do.
8.	Do.	Do.	Shri Roshan Lal, 105, Vill. Khirki, P. O. Malviya Nagar, New Delhi.	Do.
9.	Do.	Do.	Syed Mushir Ahmed, C-7/128, D.D.A. Flats, Bhimnagari, New Delhi-16.	Do.
10.	Do.	5—Chandni Chowk	Shri Devendra Gupta, 1-Matcalf Road, Civil Lines, Delhi-54.	Do.
11.	Do.	6—Delhi Sadar	Shri Narendra Kumar, 4527, Main Road, Pahari Dheeraj, Delhi.	Do.
12.	Do.	Do.	Jathedar Trilochan Singh, A-074, Mansarovar Garden, New Delhi-15.	Do.
13.	Do.	Do.	Shri Keshav, (Keshav Prasad Singh) IX/2315-I-B, Kailesh Nagar, Delhi.	Do.
14.	Do.	1—New Delhi	Shri Saboori Thekur, 17, North Avenue, New Delhi.	Failed to lodge his account of election expenses in the manner
15.	Do.	3—Outer Delhi	Shri Kundan Singh Balmiki, L-16, J.J. Colony, Shakurpur, Delhi-34.	Failed to lodge his account of election expenses within the time and in the manner

[No. 76/DL-HP/80]

By Order,  
O. N. NAGAR, Under Secy.  
Election Commission of India

**आवेष्ट**

नई दिल्ली, 7 विसम्बर, 1981

आ०प्र० 3 :—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट बिहार विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उनके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित समय के भीतर और रीति में उक्त सारणी के स्तम्भ (5) में यथा उपवर्णित रूप में अपने निर्वाचन व्ययों का लेखा वाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है,

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेष्ट की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

**सारणी**

क्रम सं० निर्वाचन की विनिर्दिष्टियाँ	विधान सभा निर्वाचन क्षेत्र की क्र० सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थियों का नाम और पता	निरहता का कारण
1	2	3	4
1. उप-चुनाव बिहार विधान सभा, 1981	203-अखिलारपुर	श्री राम प्रवेश सिंह ग्राम बगवाँ, पो साईस्तापुर जिला कुर्सी पटना बिहार	लेखा वाखिल नहीं किया।
2. —वही—	278-गिरिडीह	गुलाम रसूल अन्सारी, ग्राम लक्ष्मीपुर (मालवा) पो गामान, गिरिडीह (बिहार)	लेखा वाखिल नहीं किया।
3. बिहार विधान सभा साधारण निर्वाचन, 1980	239-रफी गंज	बंगाली सिंह, ग्राम ममका, पो० भववा बाजार, जिला औरंगाबाद (बिहार)	लेखा वाखिल नहीं किया।
4. —वही—	211-कुलवारी (अ०जा०)	रामबालक भूइयाँ, ग्राम चैनपुर, पो० भित्तनचक, जिला पटना (बिहार)	लेखा वाखिल नहीं किया।
5. —वही—	266-बडका गांव	श्री सुसतान, ग्राम व पो० चैनगाड़ा, धाना पतरादु, जिला हजारीबाग (बिहार)	लेखा समय में तथा विधि द्वारा वाखिल नहीं किया।
6. —वही—	263-बरही	श्री अलाउद्दीन अहमद बरकाली ग्राम व पो० बरही, जिला हजारीबाग (बिहार)	लेखा वाखिल नहीं किया।
7. —वही—	263-बरही	श्री डब्लू०एच० रिजवी, ग्राम करियासपुर पो० बरसील। जिला हजारीबाग (बिहार)	लेखा वाखिल नहीं किया।
8. —वही—	297-जगन्नाथपुर (अ०ज०जा०)	श्री धियोदोर बोहरा, मुहल्ला नया टोली गुबरी रोड, जिला व पो० रांची (बिहार)	लेखा समय में तथा विधि द्वारा वाखिल नहीं किया।
9. —वही—	205-मसौढ़ी	श्री महेश्वर राम, ग्राम—नूरा, पो० हुंसाडीह, पटना (बिहार)	लेखा वाखिल नहीं किया।



1	2	3	4	5
10.	बिहार विधान सभा, साधारण निर्वाचन, 1980	205-मसौडी	श्री त्रिपुरारी शरण सिंह, ग्राम कंचनपुर, पो० भ्रमहारा, थाना--बिहृटा, पटना (बिहार)	लेखा विधि द्वारा दाखिल नहीं किया।
11.	—वही—	205-मसौडी	श्री सुरेश सिंह, ग्राम व पो० बराह पुनपुन, पटना (बिहार)	लेखा दाखिल नहीं किया।
12.	—वही—	207-पटना केन्द्रीय	श्री वीरेन्द्र वाचस्पति शिव दुर्गालय लेन, महेन्द्र, पटना-800006 (बिहार)	—वही—
13.	—वही—	321-भक्तवाथपुर	श्री केदार नाथ चौबे, ग्राम--सिधौताली, पो० चपरी, जिला पलामू, बिहार।	—वही—
14.	—वही—	267-रामगढ़	श्री अयोध्या शर्मा सुधाकर, रांची रोड, डा० मरार, हजारीबाग (बिहार)	—वही—
15.	—वही—	267-रामगढ़	श्री ईश्वर साहू, रामगढ़ कैण्ट लोहारटोली, पो० रामगढ़ कैण्ट हजारीबाग (बिहार)	—वही—
16.	—वही—	277-गोमियां	फार्स्ट कल्याण टोपनो, 12 नं० एरिया, जरंगडीह, पो० जरंगडीह, जिला गिरिडीह (बिहार)	लेखा विधि द्वारा दाखिल नहीं किया।
17.	—वही—	268-मांझ	राम हरि प्रसाद हथिया गोडाउन, स्टेशन रोड, बाबासा (बिहार)	लेखा दाखिल नहीं किया।
18.	—वही—	286-बड़कागांव	श्री गुलाम मुस्तफा, ग्राम पीरी, पो० बरकाकाना, थाना पतरातू, जिला हजारीबाग (बिहार)	—वही—
19.	—वही—	—वही—	श्री सत्येन्द्र सिंह, पो० व ग्राम बुरकुण्डा, जिला हजारीबाग (बिहार)	—वही—
20.	—वही—	—वही—	श्री जगरनाथ राम, ग्राम लावी, पो० देवरिया बरगांवा, जिला हजारीबाग (बिहार)	लेखा समय में व विधि द्वारा दाखिल नहीं किया।
21.	—वही—	—वही—	श्री योगेन्द्र प्रसाद, सयाल 'डी' कोलियरी, पो० सयाल, जिला हजारीबाग (बिहार)	—वही—

1	2	3	4	5
22.	बिहार विधान सभा साधारण निर्वाचन, 1980	132-जोकीहाट	श्री वैद्यूव, ग्राम हरवार, पो० जहानपुर, जिला पूर्णिया, बिहार।	कोई भी लेखा वाञ्छित नहीं किया।
23.	—वही—	—वही—	श्री ताजुल आरफिन, ग्राम व पो० पैकटोला, जिला पूर्णिया, बिहार।	—वही—
24.	—वही—	153-शिकारीपाड़ा (अ०ज०जा०)	श्री शक्ति प्रकाश हासवा, ग्राम गिदनीपहाड़ी, पो० बुमका, जिला संयाल परगना, बिहार।	—वही—
25.	—वही—	39-सड़ोड़ा	श्री खन्नामा सिंह, ग्राम मुहम्मदपुर, पो० शिवसहम्मदपुर, जिला सारण, बिहार।	—वही—
26.	—वही—	130-अररिया	श्री जनारदन विश्वास, ग्राम पो० पटेगना, जिला पूर्णिया, बिहार।	—वही—
27.	—वही—	179-तारापुर	श्री रविन्द्रनाथ सिंह नवगाँई मुंगेर, बिहार	—वही—
28.	—वही—	—वही—	श्री सुकभी पो० ग्राम व पो० लखनपर, जिला मुंगेर, बिहार।	—वही—
29.	—वही—	—वही—	श्री तारकेश्वर सिंह, ग्राम रहमतपुर (बांसा) पो० असरगंज, जिला मुंगेर, बिहार।	—वही—
30.	—वही—	—वही—	श्री बिदेश्वरी यादव, ग्राम सजुआ, पो० हथिआक, जिला मुंगेर, बिहार।	—वही—
31.	—वही—	—वही—	श्री अनुरोध शर्मा, ग्राम गोविन्दपुर, पो० सहोड़ा, जिला मुंगेर, बिहार।	—वही—
32.	—वही—	187-सूर्यगढ़ा	श्री मुंशी मांसी, ग्राम इटौन, पो० ममतपुर, ग्राम लखीसराय, जिला मुंगेर, बिहार।	लेखा वाञ्छित नहीं किया।
33.	—वही—	—वही—	श्री केशव प्रसाद सिन्हा ग्राम ताजपुर देवधरा चन्द्रटोला, पो० अमरपुर, जिला मुंगेर, बिहार।	—वही—

1	2	3	4	5
34.	बिहार विधान सभा साधारण निर्वाचन, 1980	187-सूर्यगढ़ा	श्रवण कुमार अग्रवाल, ग्राम पोम्ब, थाना सूर्यगढ़ा, जिला मुंगेर, बिहार।	लेखा दाखिल नहीं किया
35.	—वही—	177-बकारई	श्री हरमोरीशरण सहाय, ग्राम रामचन्द्रसीह, पो० बकारई, जिला मुंगेर, बिहार।	—वही—
36.	—वही—	180-खड़गपुर	श्री किशन यादव, ग्राम मोहनपुर, पो० बिगही, जिला मुंगेर, बिहार।	—वही—
37.	—वही—	—वही—	श्री नारायण साह, ग्राम नजारी, पो० संकमीपुर, जिला मुंगेर, बिहार।	—वही—
38.	—वही—	—वही—	श्री बुद्धमोहन पा०, ग्राम व पो० रतैठा, जिला मुंगेर, बिहार।	—वही—
39.	—वही—	—वही—	श्री रामानन्द सिंह, ग्राम पीकड़ी, पो० खैरा, जिला मुंगेर, बिहार।	लेखा समय तथा रीति में दाखिल नहीं किया गया।
40.	—वही—	178-झासा	मुहम्मद कमरेल होया, ग्राम झासा-पुरानी बाजार, पो० झासा, जिला मुंगेर, बिहार।	लेखा दाखिल नहीं किया
41.	—वही—	181-परबस्ता	यदुनन्दन प्रसाद मंडल, ग्राम० पो० कोवारा, जिला मुंगेर, बिहार।	लेखा दाखिल नहीं किया
42.	—वही—	—वही—	श्री सुबनेश्वर मंडल, ग्राम पिलौसिया, पो० पसरहा, बाया महूदीपुर, जिला मुंगेर, बिहार।	—वही—
43.	—वही—	—वही—	श्री फुलेप्रबारी प्रसाद चौरसिया, ग्राम गमबट्टा पो० कुवकीचक, जिला मुंगेर, बिहार।	—वही—
44.	—वही—	—वही—	श्री जगदीश पासवान, गोगरी जमालपुर, जिला मुंगेर, बिहार।	—वही—
45.	—वही—	—वही—	श्री अमरनाथ भारती, ग्राम व पो० पसरहा, जिला मुंगेर, बिहार।	—वही—
46.	—वही—	186-जमालपुर	श्री महेश्वर मण्डल, ग्राम सखामणपुर पो० जमालपुर, जिला मुंगेर, बिहार।	—वही—
47.	—वही—	—वही—	श्री रामेश्वर मण्डल, ग्राम सबकहवा, पोस्ट, बिन्धाबियारा, जिला मुंगेर, बिहार।	—वही—

1	2	3	4	5
48.	बिहार विधान सभा साधारण, निर्वाचन, 1980	188-जमुई	श्रीमती सुकुमारी देवी, जो. स्व. परमेश्वर सिंह, एडवोकेट, जमुई, मुंगेर, बिहार।	लेखा वाञ्छित नहीं किया
49.	—वही—	190-लखी सराय	श्री विष्णु धारी लाल, ग्राम झोंडा, पो. मोकामा घाट जिला पटना, बिहार।	—वही—
50.	—वही—	—वही—	श्री रामेश्वर प्रसाद सिंह, लखी सराय पुरानी बाजार, जिला मुंगेर, बिहार।	—वही—
51.	—वही—	—वही—	श्री मुरलीमनोहर सिंह, लखी सराय पुरानी बाजार, मुहल्ला सस्तर, मार्ग नं० 7 पो. धाना लखीसराय, जिला मुंगेर, बिहार।	—वही—
52.	—वही—	—वही—	श्री रामबालक सिंह, ग्राम पोस्ट, बुसारी, धाना बजरिया, जिला मुंगेर, बिहार।	—वही—
53.	—वही—	184-झलोली (ग्र० जा०)	श्री परमानन्द प्रसाद, ग्राम ब पोस्ट, सावपुर, जिला बेगूसराय, बिहार।	—वही—
54.	—वही—	—वही—	श्री मोती लाल मोची, ग्राम दधुबजा, पो. ग्रम्बा, जिला मुंगेर, बिहार।	—वही—
55.	—वही—	189-सिकन्दरा (ग्र० जा०)	श्रीमती प्रीतवी देवी, ग्राम ब पो. अग्रहण, धाना खड़गपुर, जिला मुंगेर, बिहार।	—वही—
56.	—वही—	—वही—	श्रीमती शीलरानी लोको झलोली खगोल, पोस्ट खगोल, अंचल-धानापुर, जिला मुंगेर, बिहार।	—वही—
57.	—वही—	191-शेखपुरा	श्री निसार अहमद, ग्राम ब पो. पधरेटा, जिला मुंगेर, बिहार।	—वही—
58.	—वही—	—वही—	श्री नेपाली गोप, ग्राम कबीरपुर, धाना ब पोस्ट, लालबीधा, जिला मुंगेर, बिहार।	—वही—
59.	—वही—	—वही—	श्री वैजनाथ महतो, ग्राम हसनगंज, पो. शेखपुरा, जिला मुंगेर, बिहार।	—वही—
60.	—वही—	—वही—	श्री विशेश्वर बयाल सिंह, ग्राम कमासी, पो. शेखपुरा, जिला मुंगेर, बिहार।	—वही—
61.	—वही—	—वही—	श्री सुभाष चन्द्र बोस, ग्राम ब पो. मन्थनामा, जिला मुंगेर, बिहार।	—वही—
62.	—वही—	192-बरबीधा	श्री गजाधर पासवान, <sup>1</sup> ग्राम सम्बी, पो० मालवाह, धाना बरबीधा, जिला मुंगेर, बिहार।	—वही—

1	2	3	4	5
63.	बिहार विधान सभा साधारण निर्वाचन 1981	192-बखीधा	श्री भगवान दास, ग्राम लोधीपुर, पो० धोवसा, थाना शेखपुरा, जिला मुंगेर, बिहार।	लेखा दाखिल नहीं किया
64.	—वही—	—वही—	श्री सासकेश्वर दास, ग्राम घस्थाना, पोस्ट रमजानपुर, थाना बखीधा, जिला मुंगेर, बिहार।	—वही—
65.	—वही—	—वही—	श्री राजाराम प्रसाद, ग्राम बावसाहपुर, पो० मन्वना, जिला मुंगेर, बिहार।	लेखा समय में तथा रीति में दाखिल नहीं किया
66.	—वही—	13-मावापुर	श्री नवल किशोर प्रसाद, ग्राम ब पोस्ट हरपुर बाया घावापुर, जिला पूर्वी चम्पारण, बिहार।	लेखा दाखिल नहीं किया
67.	—वही—	—वही—	श्री प्रयाग भगत, ग्राम शेरजी टोला बजानीपुर, पो. भवानीपुर, जिला पूर्वी चम्पारण, बिहार।	—वही—
68.	—वही—	—वही—	श्री रामाज्ञा तिवारी, ग्राम बिलासपुर, पो. साऊनाहा (रकसोल) जिला पूर्वी चम्पारण, बिहार।	लेखा समय में तथा रीति में दाखिल नहीं किया

[सं० 78/बिहार वि० सं०/80]

आदेश से,

सतीश चन्द्र जैन, मंत्र सचिव

भारत निर्वाचन आयोग

## ORDER

New Delhi, the 7th December, 1981

O.N. 3.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Bihar Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (2) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

S. No.	Particulars of election	S. No. & name of the Assembly/Constituency	Name of the contesting candidate	Reasons for disqualification
1	2	3	4	5
1.	Bye-Election to the Bihar Legislative Assembly, 1981	203—Bakhtiarpur	Shri Ram Parvesh Singh Vill. Thamavan, P. O. Saistapur, Dist. Kursi, Patna, Bihar.	Account not lodged.
2.	Do.	275—Giridih	Shri Gulam Rasool Ansari, Vill Luxmipur (Malda) P. O. Gawan, Giridih, Bihar.	Do.
3.	General Election to Bihar Legislative Assembly, 1980.	239—Rafiganj	Shri Bengali Singh, Vill Mamka, P.O. Bhadwa Bazar, Dist. Aurangabad (Bihar)	Do.

1	2	3	4	5
4.	General Election to the Bihar Legislative Assembly, 1980.	211—Phulwari (SC)	Shri Ram Bal k Bhuiyan, Vill. Chhapur, P. O. Mitanchak, Dist. Patna (Bihar)	Account not lodged
5.	Do.	266—Barkagaon	Shri Sutan, V & P. O. Chaingada, PS. P. tratu, Hazaribagh, (Bihar)	Account not lodged in time manner.
6.	Do.	263—Barhi	Shri Alauddin Ahmad Warkati, Vill. & P. O. Barhi, Dist. Hazaribagh, (Bihar)	Account not lodged.
7.	Do.	263—Barhi	Shri W.H. Rizwi, Vill. Kariyapur, P.O. Barsot, Dist. Hazaribagh (Bihar)	Do.
8.	Do.	297—Jagannathpur (ST)	Shri Theoder Bodra, Mohalla Nayatoli, Gudri Road, Post & Dist. Ranchi (Bihar)	Account not lodged in time manner.
9.	Do.	205—Masaurhi	Sri Mohendra Ram, Vill Nura, P.O. Hasadih, Patna (Bihar)	Account not lodged.
10.	Do.	205—Masaurhi	Shri Suresh Singh, Vill. & Post Barah, Punpun, Patna (Bihar)	Do.
11.	Do.	205—Masaurhi	Shri Tripurari Saran Singh Vill. Kanchanpur, Post Amhara, P. S. Bihra, Patna (Bihar)	Account not lodged in time manner.
12.	Do.	207—Patna Central	Shri Virendra Vachaspati, Shiv Durgalaya Lane, Mahendru, Patna-6 (Bihar)	Account not lodged.
13.	Do.	321—Bhawanathpur	Shri Kedar Nath Chaudhary, Vill. Singhitali, P.O. Chhapri, Dist. Palaman, (Bihar)	Do.
14.	Do.	132—Jokihat	Shri Behbood, Vill. Hardar, P.O. Jehanpur, Dist. Purnea, (Bihar)	Do.
15.	Do.	132—Jokihat	Shri Tajul Arfin, Vill. & P. O. Paikola, Dist. Purnea, (Bihar)	Do.
16.	Do.	153—Shikaripara	Shri Shakti Prakash Hansda, Vill. Gidhupahari, P.O. Dumka, Dist. Santhal Parganas, (Bihar)	Do.



1	2	3	4	5
17.	General Election to the Bihar Legislative Assembly, 1980.	39—Muhawrah	Shri Chandrama Singh, Vill. Mohammadpur, P.O. Sheo Mohammadpur, Dist. Saran, (Bihar)	Account not Lodged.
18.	Do.	130—Araria	Shri Janardan Biswas, Vill. & P. O. Patenga, Dist. Purnea, (Bihar)	Do.
19.	Do.	179—Tarapur	Shri Ravindra Nath Singh Navgajne, Monghyr, (Bihar)	Do
20.	Do.	267—Ramgarh	Shri Ayodhya Sharma Sudhakar, Ranchi Road, P. O. Mahar, Hazaribagh (Bihar)	Do.
21.	Do.	267—Ramgarh	Ishwar Sahu, Ramgarh Cantt., Lohartoli, P. O. Ramgarh Cantt. Hazaribagh (Bihar)	Do.
22.	Do.	277—Gomia	Shri Christ Kalyan Topno, 12 No. Area, Jarangdih, Dist. Giridih (Bihar)	Account not lodged in the manner.
23.	Do.	268—Mandu	Shri Ram Hari Prasad, Hadiya Godown Station, Road, Chaibasa (Bihar)	Account not lodged.
24.	Do.	179—Tarapur	Shri Sukmi Chow, Vill. & P. O. Lakhanpur, Dist. Monghyr, (Bihar)	Do.
25.	Do.	179—Tarapur	Shri Tarkeshwar Singh, Vill. Rahamatpur, (Basa) P.O. Asarganj, Dis. Monghyr, (Bihar)	Do.
26.	Do.	179—Tarapur	Shri Vindeshwari Yadav, Vill. Sajua, P. O. Hatlachak, Dist. Monghyr, (Bihar)	Do.
27.	Do.	179—Tarapur	Shri Anurodh Sharma, Vill. Govindapur, P. O. Sahora Dist. Monghyr, Bihar.	Do.
28.	Do.	187—Surjagarh	Shri Munshi Manjhi, Vill. Itaun, P. O. Mananpur, P. S. Lakhisarai, Dist. Monghyr, (Bihar)	Do.
29.	Do.	187—Surjagarh	Shri Shrawan Kumar Aggarwal, Vill. & P. O. Surjagarha, Dist. Monghyr, (Bihar)	Do.

1	2	3	4	5
30.	General Election to the Bihar Legislative Assembly, 1980.	187—Surajgarh	Shri Keshav Prasad Sinha, Vill. Tajpur Chandratola, P. O. Amarpur, Dist. Monghyr	Account not lodged in time and in the manner.
31.	Do.	177—Chakai	Shri Hargauri Sharan Sahe y, Vill. Ramchandra dhih, P. O. Chakai, Dist. Monghyr, (Bihar)	Account not lodged.
32.	Do.	180—Kharagpur	Shri Kishan Yadav; Vill. Mohanpur, P. O. Dighl, Dist. Monghyr (Bihar)	Do.
33.	Do.	180—Kharagpur	Shri Narayan Sah, Vill. Najari, Lakshamipur, Dist. Monghyr, (Bihar)	Do.
34.	Do.	180—Kharagpur	Shri Dukhmohan Pa, Vill. & P. O. Rataitha, Dist. Monghyr, (Bihar)	Do.
35.	Do.	180—Kharagpur	Shri Ramanand Singh, Vill. Pankuri, P. O. Khaira, Dist. Monghyr, (Bihar)	Account not lodged within time and in the manner.
36.	Do.	178—Jhajha	Shri Mohammad Qumral Houda, Vill. Jhajha, Puranibazar, P. O. Jhajha, Dist. Monghyr, (Bihar)	Account not lodged
37.	Do.	181—Parbatta	Shri Bhubaneswar Mondal, Vill. Pitanjhia, P. O. Pasraha, Vla-Mahaddipur, Dist. Monghyr, (Bihar)	Do.
38.	Do.	181—Parbatta	Shri Yudu Nandan Prasad Mondal, Vill. & P. O. Kodwara, Dist. Monghyr, (Bihar)	Do.
39.	Do.	181—Parbatta	Shri Fuleshwari Prasad Chaurasia, Vill. Gamghata, P. O. Fudkichak, Dist. Monghyr, (Bihar)	Do.
40.	Do.	181—Parbatta	Shri Jagdish Paswan, Gogri Jamalpur, Dist. Monghyr, (Bihar)	Do.
41.	Do.	181—Parbatta	Shri Amar Nath Bharati, Vill. & P. O. Pasraha, Dist. Monghyr, (Bihar)	Do.
42.	Do.	186—Jamalpur	Shri Mahendra Mandal, Vill. Lakshamanpur, Jamalpur, Dist. Monghyr, (Bihar)	Do.

1	2	3	4	5
43. General Election to the Bihar Legislative Assembly, 1980.		186—Jamaipur	Shri Rameshwar Mandal, Vill. Jharkhaba, P. O. Bindadiara, Dist. Monghyr, (Bihar)	Account not lodged.
44.	Do.	188—Jamui	Smt. Sukumari Devi, W/o Late Parameshwar Singh, (Advocate) Jamui, Dist. Monghyr, (Bihar)	Do.
45.	Do.	190—Lakshisara	Shri Vishnudhari Lal, Vill. Aunta, P. O. Mokameghat, Dist. Monghyr, (Bihar)	Do.
46.	Do.	190—Lakshisara	Shri Rameshwar Prasad Singh, Lakshisara Puranibazar, Dist. Monghyr, (Bihar)	Do.
47.	Do.	190—Lakshisara	Shri Murli Manohar Singh, Lakshisara Purani Bazar, Mohalla Santar Ward 7, P. O. & P.S. Lakshisara, Dist. Monghyr, (Bihar)	Do.
48.	Do.	190—Lakshisara	Shri Rambalak Singh, Vill. & P. O. Dufimri, P. S. Berhiya, Dist. Monghyr, (Bihar)	Do.
49.	Do.	184—Aluli (SC)	Shri Parma Nand Prasad, Vill. & P.O. Sadpur, Dist. Begusarai, (Bihar)	Do.
50.	Do.	184—Aluli (SC)	Shri Motilal Mochi, Vill. Ichura, P.O. Amba, Dist. Monghyr, (Bihar)	Do.
51.	Do.	189—Sikandra (SC)	Smt. Daropadi Devi, Vill. & P.O. Agrahan, P.S. Kharagpur, Dist. Monghyr (Bihar).	Do.
52.	Do.	189—Sikandra (SC)	Smt. Sail Rani, Loco Colony, Khagaul, P.O. Khagaul Anchal Danapur, Dist. Patna (Bihar)	Do.
53.	Do.	191—Sheikhpura	Shri Nisar Ahmad, Vill. & P.O. Pathraita, Dist. Monghyr, (Bihar)	Do.
54.	Do.	191—Sheikhpura	Shri Nepali Gope, Vill. Kabirpur, P.O. Lalbigha, P.S. Barbigha, Dist. Monghyr (Bihar).	Do.
55.	Do.	191—Sheikhpura	Shri Baljnath Mahato, Vill. Hosa nganj, P.O. Sheikhpura, Dist. Monghyr (Bihar).	Do.
56.	Do.	191—Sheikhpura	Shri Bisheshwar Dayal Singh, Vill. Kamasi, P.O. Sheikhpura, Dist. Monghyr (Bihar)	Do.

1	2	3	4	5
57.	General Election to the Bihar Legislative Assembly, 1980.	191—Sheikhpura	Shri Subhsh Chandra Bose, Vill. & P.O. Nandama Dist. Monghyr (Bihar)	Account not lodged
58.	Do.	192—Barbigha	Shri Gajadhar Paswan, Vill. Sarba, P.O. Mehdah, Dist. Monghyr (Bihar)	Do.
59.	Do.	192—Barbigha	Shri Bhagwan Das, Vill. Lodipur, P.O. Dheosa P.S. Sheikhpura, Dist. Monghyr (Bihar).	Do.
60.	Do.	192—Barbigha	Shri Lalkeshwar Das, Vill. Asthama, P.O. Ramzanpur, P.S. Barbigha, Dist. Monghyr (Bihar).	Do.
61.	Do.	192—Barbigha	Shri Raja Ram Prasad, Vill. Bardshepur, P.O. Mandana, Dist. Monghyr (Bihar)	Account not lodged in time and in manner.
62.	Do.	266—Barkagaon	Shri Gulam Mustafa, Vill. Piri, P.O. Barkakana P.S. Patna, Dist. Hazaribagh (Bihar)	Account not lodged.
63.	Do.	266—Barkagaon	Shri Satyendra Singh, Vill. & P.O. Bhurkunda, Dist. Hazaribagh (Bihar)	Do.
64.	Do.	266—Barkagaon	Shri Jagat Nath Ram, Vill. Lach, P.O. Dewaria-bargawa, Dist. Hazaribagh (Bihar)	Account not lodged in time and in the manner.
65.	Do.	266—Barkagaon	Shri Yogendra Prasad, Sayal 'D' Colliery, P.S. Sayal, Dist. Hazaribagh (Bihar).	Do.
66.	Do.	13—Adapur	Shri Nawal Kishore Prasad, Vill. & P.O. Harpur, via Adapur, Dist. East Champaran (Bihar).	Account not lodged.
67.	Do.	13—Adapur	Shri Prayag Bhagat, Vill. Bhairwola Bhawanipur, P.O. Bhawanipur, Dist. East Champaran (Bihar).	Do.
68.	Do.	13—Adapur	Shri Ramgaya Tiwari, Vill. Bilespur, P.O. Saunaha, Dist. East Champaran (Bihar).	Account not lodged in time and in manner.

[No. 76/BR-LA/80]

By order,

S.C. JAIN, Under Secy.  
Election Commission of India

प्रति

नई दिल्ली, 7 दिसम्बर, 1981

आ० सं० 4.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा/राज्य विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रति-निधित्व अधिनियम, 1951 तथा तत्सूची बनाए गए विधियों द्वारा अपेक्षित समय के भीतर और रीति में उक्त सारणी के स्तम्भ (5) में यथा उपर्युक्त रूप में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों के सम्बन्ध सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रस्तुत नहीं किया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण प्राप्तीय नहीं है:-

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने की रीति के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है :

## सारणी

क्रम सं०	निर्वाचन की विशिष्टता	विधान सभा/लोक सभा निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरर्हता का कारण
1	2	3	4	5
1.	मध्य प्रदेश लोक सभा के लिए साधारण निर्वाचन 1980	8-सतना	श्री सन्तोष कुमार प्रेस प्रीटर्ज, गांधी चौक, सतना (म० प्र०)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
2.	—वही—	17-रायपुर	श्री जगदीश अम्बू लाल, खरोरा, जिला, रायपुर, (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
3.	—वही—	17-रायपुर	श्री टीकम चन्दा, मु० पो० अर्जुनी, तहसील बलोवा बाजार, जिला : रायपुर (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
4.	मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन 1980	241-बीरसिया	श्री हीरा लाल बुर्गा प्रसाद, जैन मन्दिर के सामने, बीरसिया (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
5.	—वही—	69-सिरमोर	श्री रामनिधोर, ग्राम व पोस्ट बीडा, जिला रोवा (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
6.	—वही—	56-पन्ना	श्री राम सजीवन, ग्राम बरकोला, पो० बारा मझगाँव, तहसील अजयगढ़ जिला, पन्ना (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
7.	—वही—	78-सिनरीली (म० जा०)	श्री खोलावन, ग्राम मढ़ोली, पो० सिनरीली कालरी, जिला सीधी (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
8.	—वही—	20-बबरा	श्री देवी सिंह, ग्राम करियावटी, तहसील बबरा, जिला ग्वालियर, (म० प्र०)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
9.	—वही—	126-रायपुर नगर	श्री गिरजाशंकर, मकान नं० 206/8, गोल बाजार रायपुर (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
10.	—वही—	126-रायपुर नगर	डा० शंकर कुबे, 1, जलशाय मार्ग राजेन्द्र नगर, बीजे कालोनी), रायपुर (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।

1	2	3	4	5
11.	मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1980	134-पमारी (प्र० जा०)	श्री मुक्तारन लाल, कुरै, ग्राम खैवा, पो० धा० बतान, तहसील बालोरा बाजार, जिला रामपुर (म० प्र०)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
12.	—वही—	68-मनगंवा	श्री अब्दुल गफ्फार, ग्राम ब पोस्ट लालगाव, रीवा (म० प्र०)।	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
13.	—वही—	58-पवाई	श्री जगदीश प्रसाद भार्गव, ग्राम ब पो० कन्हनगर, तहसील पवाई, जिला पन्ना (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
14.	—वही—	59-पवाई	श्री जगदीश सिंह ग्राम काल करीहवा पोस्ट देवरी, तहसील पवाई, जिला पन्ना (म० प्र०)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
15.	—वही—	59-पवाई	श्री धुरवल सिंह बन्ना ग्राम धकीला, पोस्ट तह० ब जिला पन्ना (म० प्र०)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
16.	—वही—	58-पवाई	श्री जोहरिया, ग्राम ब पोस्ट सिमरिया, तहसील, पवाई, जिला पन्ना (म० प्र०)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
17.	—वही—	48—मिजावर	श्री बालकृष्ण कटिल उर्फ छोटे मैवा, स्टेशन रोड, हुरपालपुर जिला छतरपुर (मध्य प्रदेश)	विधि द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
18.	—वही—	57—धमानगंज (प्र० जा०)	श्री सोला मजरा, धमचुई, ग्राम देवरी, तहसील ब जिला पन्ना (मध्य प्रदेश)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।
19.	—वही—	267-उज्जैन—दक्षिण	श्री रामेश्वर वेलवान, ग्राम पिपलावा, द्वारकाधीन, तहसील उज्जैन (मध्य प्रदेश)	विधि द्वारा अपेक्षित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल।

[सं 76/म०प्र०/81 (52-54/267-282)]

## ORDER

New Delhi, 7th December, 1981

O.N. 4.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People State Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.



TABLE

S. No.	Particulars of election	S. No. & Name of the assembly/parliamentary constituency	Name & Address of the contesting candidate	Reason for the disqualification
1	2	3	4	5
1.	General Election to the House of the People, 1980	8—Satna	Shri Santosh Kumar, Prem Puri, Peth, Gandhi Chowk, Satna, District Satna	Failed to lodge the account of election expenses in the manner required by law.
2.	Do.	17—Raipur	Shri Jagdish, Ambadala, Khirora, Dist. Raipur (Madhya Pradesh)	Failed to lodge any account of election expenses required by law.
3.	Do.	17—Raipur	Shri Teekam Chandra, Village and Post Office Arjuni, Tahsil Baloda Bazar, Distt. Raipur, (Madhya Pradesh)	Failed to lodge any account of election expenses required by law.
4.	General Election to the Madhya Pradesh Legislative Assembly, 1980	241—Barrassi	Shri Hiralal Durgar Prasad, Opposite J in Mandir, Barrassi, Distt. Bhopal (M.P.)	Failed to lodge any account of election expenses required by law.
5.	Do.	69—Sirmour	Shri Ram Kishore, Vill. & P.O. Beeda, Distt. Rewari (M.P.)	Failed to lodge any account of election expenses required by law.
6.	Do.	56—Panna	Shri Ram Saiwan, Village Bakhela, P.O. Bura Mahagon, Tahsil Ajaigarh, Distt. Panna (M.P.)	Failed to lodge any account of election expenses required by law.
7.	Do.	78—Singrauli (SC)	Shri Khelawari, Village Madhulee, P.O. Singrauli Chhiliery, Distt. Sidhi (M.P.)	Failed to lodge any account of election expenses required by law.
8.	Do.	20—Dabra	Shri Devi Singh, Village Kariyabate, Tahsil Dabra, Distt. Gwalior (M.P.)	Failed to lodge the account of his election expenses in the manner required by law.
9.	Do.	126—Raipur Town	Shri Gita Shankar, House No. 206/8, Gole Bazar, Raipur, Distt. Raipur (M.P.)	Failed to lodge any account of election expenses, required by law.
10.	Do.	126—Raipur Town	Dr. Shankar Dubey, 1, Jalsay Marg, Rajendra Nagar, (Choube Colony) Raipur, Distt. Raipur (M.P.)	Failed to lodge any account of election expenses required by law.
11.	Do.	134—Pillari (SC)	Shri Muktaranki Kurre, Vill. Khainda, P.O. Datana, Tahsil Baloda Bazar, Distt. Raipur (M.P.)	Failed to lodge the account of election expenses in the manner required by law.
12.	Do.	68—Mangawan	Shri Abdul Ghaffar, Village & Post Office Raghunathganj, Rewari, Distt. Rewari, (Madhya Pradesh)	Failed to lodge any account of election expenses required by law.

1	2	3	4	5
13.	General Election to the Madhya Pradesh Legislative Assembly, 1980.	58—Pawai	Shri Jagdish Prasad Sharma Village and Post Office Shu Inagar, Tehsil Pawai, Distt. Panna (M.P.)	Failed to lodge any account of election expenses required by law.
14.	Do.	58—Pawai	Shri Jagdish Singh, Village Kal Kairahya, Post Office Doori, Tehsil Pawai, Distt. Panna (M.P.)	Failed to lodge the account of election expenses in the manner required by law.
15.	Do.	58—Pawai	Shri Dhurbel Singh Babba, Village Akola, P.O. Tehsil and Distt. Panna (M.P.)	Failed to lodge of the account election expenses in the manner required by law.
16.	Do.	58—Pawai	Shri Jochariya, Village and Post Office Simriya, Tahsil Pawai, District Panna (M.P.)	Failed to lodge the account of election expenses in the manner required by law.
17.	Do.	48—Bijawar	Shri Balkrishna Kathil urf Chhotebhai, Station Road, Harpalpur, Distt. Chhatarpur, (M.P.)	Failed to lodge any account of election expenses required by law.
18.	Do.	57—Amanganj (SC)	Shri Bhola, Majra Amchui, Village Debreo, Tahsil and District Panna, (Madhya Pradesh)	Failed to lodge the account of election expenses in the manner required by law.
19.	Do.	267—Ujjain South	Shri Rameshwar Pelwan, Vill. Piploa, Dwarkadish, Tehsil Ujjain, (Madhy. Pradesh)	Failed to lodge the account of election expenses in the manner required by law.

[No. 76/MP/81(52-54/267-282)]

नई दिल्ली, 16 दिसम्बर, 1981

क्रा० प्र० 5.—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 111 के अनुसरण में निर्वाचन आयोग, 1980 की निर्वाचन धर्जी संख्या 2 में दिया गया राजस्थान उच्च न्यायालय, जयपुर, का तारीख 30 नवम्बर, 1981, का आदेश प्रकाशित करता है।

[संख्या 82 राज-सो०स०/2/80]

आदेश से,

धर्मवीर, धरम सचिव,  
भारत निर्वाचन आयोग।

New Delhi, the 16th December, 1981

O.N. 5.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order dated the 30th November, 1981 of the Rajasthan High Court of Judicature at Jaipur in Election Petition No. 2 of 1980.

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR

In the matter of S. B. Election Petition No. 2/80

APPELLANT:

Rajendra Singh S/o Khama Ram R/o Udawas the Elector at S. No. 553 Bhag No. 61 in the Jhunjhunu (28) Assembly constituency of Jhunjhunu (4) Parliamentary Constituency.

Va.

Shri Bhim Singh, Mandawa House, Sansar Chandra Road, Jaipur and others.

Date of Order : 30th November, 1981  
Shri A. R. Calla—for the petitioner.

Hon'ble Kasliwal, J.

The petitioner has submitted an application on November 28, 1980 that he did not want to pursue the election petition and sought the leave of the court to withdraw the same. This application was published in the Rajasthan Gazette Part VII dated February 26, 1981. Nobody came forward to oppose the application filed by the petitioner. A notice of the order dated 7th September, 1981 allowing the application for withdrawal has also been published in the Gazette as required under clause (b) sub-section (3) of section 110 of the Representation of People Act, 1951. Nobody has come forward to oppose the withdrawal of the Election Petition nor any objection have been filed.

In the result this application for withdrawal of election Petition is allowed and the election petition is dismissed. The petitioner shall pay the costs of the non-petitioner so far incurred by them. The remaining amount of the security deposited by the petitioner may be returned to him.

[No. 82/RJ-HP/2/80]

KASLIWAL, Judge

By Order,

DHARAM BIR, Under Secy.  
Election Commissioner of India.